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STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
BOARD MEETING

JOE SERNA JR., CAL EPA BUILDING  
CENTRAL VALLEY AUDITORIUM  
1001 I STREET, SECOND FLOOR  
SACRAMENTO, CALIFORNIA

WEDNESDAY, OCTOBER 15, 2003

9:39 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair

JOSE MEDINA, Vice Chair

STEVEN R. JONES

MICHAEL PAPARIAN

CHERYL PEACE

CARL WASHINGTON

STAFF PRESENT:

MARK LEARY, Executive Director

MICHAEL BLEDSOE, Acting Chief Legal Counsel

JULIE NAUMAN, Chief Deputy Director

DEBORAH MCKEE, Board Assistant

SHARON WADDELL, Board Secretary

--oOo--

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1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning,  
4 and welcome to the October meeting of the California  
5 Integrated Waste Management Board.

6 If you'd please join me for the Pledge of  
7 Allegiance, I'd appreciate it.

8 (Thereupon the Pledge of Allegiance was  
9 recited.)

10 BOARD CHAIR MOULTON-PATTERSON: Thank you.  
11 Would the secretary please call the roll?

12 BOARD SECRETARY WADDELL: Jones?

13 BOARD CHAIR JONES: Here.

14 BOARD SECRETARY WADDELL: Medina?

15 BOARD MEMBER MEDINA: Here.

16 BOARD SECRETARY WADDELL: Paparian?

17 BOARD MEMBER PAPARIAN: Here.

18 BOARD SECRETARY WADDELL: Peace?

19 BOARD MEMBER WASHINGTON: Here.

20 BOARD SECRETARY WADDELL: Moulton-Patterson?

21 BOARD CHAIR MOULTON-PATTERSON: Here. I'd like  
22 to ask everyone to please turn off their cell phones and  
23 pagers for our meeting.

24 And also, there are speaker requests in the  
25 back of the room, and also a limited number of agenda

1 items.

2 Ms. Waddell is right over here, she is the one  
3 to give your speaker slip to. If you would fill it out,  
4 put the item number on it and give it to Ms. Waddell,  
5 she'll be sure that we know of your Intention to speak.

6 We'll start with ex-partes.

7 Mr. Jones.

8 BOARD MEMBER JONES: Dan Avera and his  
9 associate Susan something. And John Cupps. That's it.  
10 Other than that, I'm up to speed.

11 BOARD CHAIR MOULTON-PATTERSON: Ms. Peace.

12 BOARD MEMBER PEACE: I'm up to date.

13 BOARD CHAIR MOULTON-PATTERSON: I'm also up to  
14 date.

15 Mr. Medina.

16 BOARD MEMBER MEDINA: Up to date.

17 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

18 BOARD MEMBER PAPARIAN: I'm up to date.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
20 you. Reports.

21 Mr. Jones, would you like to give a report at  
22 this time?

23 BOARD MEMBER JONES: No.

24 BOARD CHAIR MOULTON-PATTERSON: Okay. Ms.  
25 Peace?

1 BOARD MEMBER PEACE: Okay. On September 22nd I  
2 attended the CDI requirements workshop. We didn't have  
3 too many attendees at the first workshop on construction  
4 demolition, inert debris requirements. I don't know  
5 whether to be worried or relieved.

6 But a reminder to those who are interested in  
7 not only our C&D regulations but in all of them, we will  
8 again be discussing equity in the regulation packages  
9 that should be changed on October 30th.

10 This is a very important issue to me as I want  
11 to make sure, I want to see that our regulations are  
12 fair and reasonable across the board, and don't go  
13 beyond that which is necessary to promote the Board's  
14 mandates, protect the environment, and the public's  
15 health and safety.

16 Also I visited a Habitat for Humanities green  
17 store here in Sacramento. It was very rewarding to see  
18 how two very different public needs, resource  
19 conservation and providing homes to low income families,  
20 how they can come together in a mutually beneficial way.

21 Thank you.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
23 Peace.

24 Mr. Medina.

25 BOARD MEMBER MEDINA: I have nothing to report

1 other than I'm rooting for the Cubs and the Red Sox.

2 BOARD CHAIR MOULTON-PATTERSON: So am I. I  
3 guess that was a heartbreaker last night for the Cubs,  
4 I'd hate to be that fan.

5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

7 Several things I wanted to mention, and I hope  
8 you'll indulge me for a few minutes here. Let me just  
9 start by the NEPSI is continuing, I attended a meeting  
10 in Chicago in early -- or late September on that process  
11 involving electronics waste nationally.

12 While I was back in Chicago I did have the  
13 opportunity to go to the Clorox research facility where  
14 they research all their various plastic bags. They have  
15 a scale model assembly line there for their plastic  
16 bags, and they do a lot of research into what's possible  
17 with recycled content and other things. I learned a lot  
18 from that visit. And hopefully they'll be improving  
19 their recycled content as a result of our action here  
20 last month.

21 SB 20, I think everybody knows that was signed  
22 into law, a major new program for the Waste Board. I  
23 think we're all very excited about implementation of  
24 that program.

25 There's going to be a workshop on Thursday,

1 tomorrow afternoon here in this room, together with the  
2 Department of Toxic Substances Control to talk about  
3 some of the first steps that we're taking and to solicit  
4 input, mostly to hear from a lot of the stakeholders  
5 about how they think DTSC and the Waste Board ought to  
6 be implementing the program.

7 I don't know, Mark, if you're going to talk  
8 about this some in your report, but I know that you've  
9 assigned Shirley Willd-Wagner to head up the team that's  
10 going to be working on implementation from our end, and  
11 that program is in very capable hands with her.

12 I visited the Warner Brothers, that was a very  
13 interesting little trip, the Warner Brothers facility  
14 down in Burbank taking a look at some of their recycling  
15 and environmental operations. They've really taken the  
16 leadership role on recycling activities, and I think  
17 have some things that they could perhaps offer to the  
18 movie recycling effort that's part of Patty Wohl's  
19 group.

20 The main thing I wanted to mention today, you  
21 know, every year, every month that I've been on the  
22 Board I've tried to take note of the good work of at  
23 least one of the staff members, program staff or  
24 executive staff during my opening remarks, but today I'm  
25 going to change that pattern just slightly.



1           I want to thank somebody who's worked for me  
2 for the past three years. I think everybody knows that  
3 Kit Cole, who has served as my advisor, is leaving the  
4 Board, tomorrow is her last day, and she's going to be  
5 taking a job as director of community programs for waste  
6 management. She's going to be headquartered at the  
7 Bradley Landfill in Los Angeles, but will be traveling  
8 around quite a bit.

9           I was introduced to Kit by Yvonne Hunter of the  
10 League of Cities. She hooked us up shortly after my  
11 appointment to the Board in May of 2000. After I got on  
12 the Board and was still deciding who I wanted to try to  
13 have as my advisor, I remember Steve Jones telling me  
14 that my effectiveness on the Board could only be  
15 enhanced by hiring Kit. And I think both Yvonne and Mr.  
16 Jones were right in their assessment.

17           She has really served me well as my advisor.  
18 She's been a confidant, a friend, a teacher, and she's  
19 really successfully helped me to accomplish a lot of my  
20 goals here on the Board. She's had a positive  
21 attitude. I think a lot of us have experienced her  
22 contagious optimism, it kind of touches everybody that  
23 works with her.

24           I know that a lot of folks just simply want to  
25 work with her for this energy and enthusiasm she brings

1 to everything she does. She's one of those folks that  
2 after you leave the room after having been in a meeting  
3 with her, you feel energized, you feel better, you feel  
4 excited about what you have just talked about, and you  
5 want to get out and get the job done.

6 When I joined the Board I had a few specific  
7 goals in mind, and I worked these out with Kit and the  
8 rest of my staff.

9 I wanted to bring E-waste from an issue that no  
10 one had really heard of or thought about much to one  
11 that, where we could really apply our best approaches to  
12 solving.

13 I wanted to move California state government to  
14 even more of a leadership position through serving as a  
15 role model for source reduction and green procurement  
16 and recycling.

17 And then later I wanted to help alter our  
18 approach to waste tires to more fully assure that we  
19 were abiding by the law and treating tires similarly to  
20 our wastes that we, in other areas where we promote  
21 source reduction, reuse, and recycling of other  
22 products.

23 Kit really helped me focus on these areas. She  
24 really helped me accomplish a lot in these areas. And  
25 she really helped move this agenda.

1           I think with her assistance and involvement we  
2 have reached the point on E-waste where we are poised to  
3 institute the most innovative and significant E-waste  
4 program in the country.

5           With her active involvement we've worked on  
6 behalf of Cal EPA to bring together the six BDO's, six  
7 boards, departments, and offices, and establish an  
8 environmental management system for this building, under  
9 which we will continually improve our environmental  
10 performance in this building and showcase what is  
11 possible in a highrise building, not only for other  
12 state agencies to follow, but for the private sector as  
13 well.

14           And then with her involvement I believe we  
15 have a stronger tire program, which is much more  
16 consistent with the reuse, reduce, and recycling goals  
17 of our other waste programs.

18           I could go on and on, but suffice it to say  
19 that Kit has made a huge difference for me. She's  
20 helped me tremendously. She's going to be missed by me,  
21 and I'm sure by all of us here at the Board.

22           We are having a little reception for her  
23 tomorrow morning, we have a little resolution for her.  
24 And the reception is going to be tomorrow morning at  
25 10:00 o'clock in room 2540 from 10:00 to 11:00. If

1 anybody wants to join us, you're very welcome to.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
3 Paparian. And certainly I'll be there, and everything  
4 you said about Kit is so true. She has been such an  
5 enthusiastic, a bright advisor, and she's just taught us  
6 all a lot.

7 And Kit, I personally am going to miss you a  
8 lot, and you and your Board member have accomplished so  
9 much on E-waste and EMS and a number of other things.  
10 And I just applaud you, and really hope that you shape  
11 'em up at waste management.

12 So we will be able to say more tomorrow, but  
13 we're really going to miss you, Kit.

14 And Mike, thank you for your leadership on SB  
15 twenty. I understand that, I wasn't able to attend the  
16 signing, but that it was a great day, and you really,  
17 really brought a lot of consensus with a lot of people.  
18 And we're very appreciative for your leadership on that  
19 bill, it wouldn't have happened without you. Thank you.

20 As my report I would like to say that I had the  
21 pleasure of attending the bill signing with Governor  
22 Davis of AB 1548, the environmental education bill that  
23 Trish and so many others have worked so hard on. It was  
24 held in Santa Monica. Many environmental groups,  
25 particularly Heal the Bay was present, because they had

1 worked very, very hard in getting this bill passed.

2 And I might also say that it was a real thrill  
3 to meet actor Pierce Brosnan and his wife Kiely who are  
4 very, very strong environmental supporters, and had some  
5 very nice things to say about the Governor and about  
6 environmental education.

7 So I thank you, Trish, and everyone that has --  
8 Carol, I know has been, I don't know if Carroll is here  
9 today, Mortensen, but everyone that worked on this bill.  
10 And Patty Schwartz with Cal EPA, Kathy Fletcher.  
11 Certainly Secretary Hickox's leadership in bringing this  
12 about. And Ms. Peace is now involved in environmental  
13 ed, and we're really glad to have her leadership.

14 And so anyway, it was a great day. And the  
15 children, the classroom where they are will really  
16 benefit from this bill.

17 I also attended yesterday the Environmental  
18 Justice Interagency meeting. And that group is  
19 comprised of Secretary Hickox, and then a leader from  
20 each of the boards and departments, the six boards and  
21 departments of Cal EPA.

22 We passed a resolution that was eighteen months  
23 in the making. And Rubia Packard worked very hard on  
24 that working group, she represented us. And it was a  
25 unanimous vote to pass and endorse the recommendations

1 of the working group to make sure that environmental  
2 justice is included in all of our boards and  
3 departments.

4 And I think this is quite a legacy for  
5 Secretary Hickox and for all of us that worked with the  
6 environmental justice group.

7 And I know each of my Board members would have  
8 been very, very supportive of that resolution, it is  
9 really great. And certainly I was able to tell them  
10 about the leadership of our Board members and what we  
11 had done even before this was adopted. So it was  
12 exciting.

13 As part of my report I would like to take a few  
14 minutes to reflect on our many accomplishments under the  
15 Davis administration.

16 I am very, very proud to have been a part and  
17 to continue being a part of the Davis administration.  
18 Under -- obviously we know that we didn't invent the  
19 Integrated Waste Management Board, but under the Davis  
20 administration we're very proud that California is now  
21 diverting nearly half of its waste into new uses. The  
22 resulting material space, diversion infrastructure is  
23 truly a bright spot in California's economy.

24 Recycling now accounts for 85,000 California  
25 jobs. This is a blend of helping the environment and

1 helping the economy. Generates \$4 billion in salaries  
2 and wages, and produces \$10 billion worth of goods and  
3 services annually.

4 Through our leadership, every Board member up  
5 here, the state's green building strategies are  
6 resulting in long-term savings in state operations. And  
7 the collaborative for high performance schools is  
8 impacting the sustainability of K through twelve bonded  
9 school construction of \$25 billion throughout  
10 California.

11 Our efforts have laid the groundwork for  
12 incorporating environmental concepts into the state's  
13 education framework, enhancing children's learning, and  
14 creating a future generation of California's --  
15 Californians who will support sustainability and  
16 environmental protection efforts.

17 Over the past five years the Board has awarded  
18 \$23.6 million in grants and Board managed projects for  
19 the cleanup of 282 solid waste disposal sites.

20 We have awarded nearly 2,200 grants for  
21 enforcement, education, waste reduction, and research,  
22 totally \$142 billion.

23 We have expended \$6 million to clean up 30  
24 illegal waste tire sites, removing eight million tires.

25 The number of certified used oil collection

1 centers has doubled.

2 The number of permanent household hazardous  
3 waste collection opportunities has doubled.

4 Our efforts in tire recycling have increased in  
5 nearly 75 percent of the 34 million used and waste tires  
6 generated annually.

7 We are involved in conversion technology to  
8 examine ways to convert materials into energy,  
9 alternative fuels, and other products.

10 Border projects between California and Mexico  
11 to share ideas that address environmental issues, and  
12 sharing of K through twelve curriculum. And I just want  
13 to say a special thank you to Mr. Medina who was so  
14 instrumental in that area.

15 Funding of rubberized asphalt concrete for  
16 public work projects.

17 A comprehensive tire manifest system to track  
18 generation, transportation, and disposal of used waste  
19 tires. And we have Mr. Jones to thank for that. He  
20 wrote that system, and it's working, and we're proud of  
21 it. Yeah, we have some kinks to work out, but it is  
22 working.

23 And we're very excited about the Electronic  
24 Waste Recycling Act, as I said, and Mr. Paparian's  
25 leadership. That will go into effect on January 1st.



1           As I mentioned, AB 1548, Pavley bill that  
2 expands environmental education, and AB 844, the fuel  
3 efficiency program.

4           We should all feel very proud of these  
5 accomplishments. And to my fellow Board members and  
6 staff and the Davis administration, I can only say thank  
7 you, and I am very proud to have been a member of this  
8 administration.

9           I'm not going anywhere, and either are the  
10 Board members here, at least not for a while. And as  
11 the Governor asked us when he met with his cabinet and  
12 chairs of his departments, he asked that we make a  
13 smooth transition to the next administration. And I  
14 fully intend to do that. And I urge my Board members, I  
15 know they will, to be as cooperative as you can in this  
16 transition period and we pledged to do that, and this is  
17 Governor Davis' wishes.

18           And as I said, I'm very proud to be a part of  
19 what we've achieved in this one area of his  
20 administration.

21           And with that, I will turn it over to Mark  
22 Leary, our Executive Director.

23           EXECUTIVE DIRECTOR LEARY: Good morning, Madam  
24 Chair, thank you very much. Good morning, members.

25           That recitation of accomplishments is a tough

1 act to follow, Madam Chair.

2 But first of all, before I start my executive's  
3 report, let me echo Board member Mike Paparian's  
4 comments about Kit.

5 We, on behalf of myself and executive staff, we  
6 too have found Kit a real joy to work with. And I can't  
7 add to the adjectives you used, energetic, enthusiastic,  
8 interested in getting things accomplished. We're really  
9 going to miss her. And of course we wish her the best  
10 with her new affiliation though, Kit, we'll call you  
11 you, don't call us.

12 But I'd like to move from the macroscopic scale  
13 of accomplishments as you've just presented, Madam  
14 Chair, to kind of a microscopic personal level.

15 Board Member Paparian was in Chicago making a  
16 presentation at NEPSI, and he asked me to pinch hit for  
17 him to the Silicon Manufacturing Group Projections  
18 conference at Santa Clara University earlier, I guess it  
19 was late last month.

20 And Kit, true to her style, actually wrote my  
21 presentation for me so it was real easy for me. But I  
22 was there and I made my presentation in the morning.  
23 And at the lunch break, there was a group of about three  
24 hundred people, and at the lunch break an adult woman  
25 student caught me and had some nice words to say to me,

1 and then followed up with an e-mail.

2 And I'd like to read to the Board, with the  
3 Board's emphasis on education, I think this is a useful  
4 example as to how education occurs in a number of  
5 different ways.

6 "Dear Mark Leary:

7 "It was a pleasure hearing you  
8 speak and meeting you at the Silicon  
9 Valley Manufacturers Group Projections  
10 Conference on Tuesday. I was amazed to  
11 learn that recycling in California is a  
12 \$10 billion industry and employs over  
13 4,500 people."

14 She didn't get the numbers exactly right, but  
15 she was obviously paying attention.

16 "I was also impressed by your  
17 response to an audience question  
18 regarding the need for control to  
19 ensure regulation compliance. While  
20 you made it clear that the Waste Board  
21 is committed to compliance, you  
22 reinforced your model of cooperation  
23 incentives as a means of achieving it.  
24 No doubt this approach is at the heart  
25 of the waste management industry's

1 success here in California.

2 "I know more than most about your  
3 cooperative model incentive based  
4 programs. For my program planning  
5 evaluation, Poly Sci class 199 at San  
6 Jose State University this summer, I  
7 researched your website and used your  
8 incentive programs for local government  
9 recycling and waste reduction  
10 information for a major assignment.

11 "The assignment required that I  
12 become an evaluator, select a program  
13 in trouble, and develop a research  
14 design that would provide a clear  
15 understanding of their problem, and a  
16 blueprint for change.

17 "I selected New York State's  
18 beleaguered Ulster County Recovery  
19 Agency's Waste Reduction, Recycling,  
20 and Household Hazardous Waste Program.

21 "My design, entitled, 'Cyclical  
22 Change Strategies for a Linear Solid  
23 Waste System' was a four phase process  
24 evaluation; problem identification and  
25 findings, solution development,

1 implementation, and feedback

2 evaluation.

3 "The goal was to take this money

4 losing linear waste management system

5 and turn it into a successful cyclical

6 recycling waste reductiong system."

7 And she goes on in several phases and

8 paragraphs to describe the tack she took in completing

9 that assignment.

10 "Mark, as I mentioned to you

11 Tuesday, the only thing missing from my

12 program evaluation and research design

13 was the opportunity to actually

14 implement it in Ulster County, New

15 York.

16 "I'm happy to have the opportunity

17 to that thank the Waste Board's

18 Executive Director personally. Using

19 the market tested approaches and

20 solutions I found on your website, I

21 was able to successfully demonstrate my

22 understanding of program and outcome

23 evaluation techniques. Not only did I

24 get an A on the paper, I also got an A

25 in the class.

1           "I'd love to share a copy of my  
2           research paper with you. It's too  
3           large to e-mail, perhaps I can e-mail  
4           or drop it off to you personally.

5           "Again, it was nice to meet with  
6           you. Keep up the great work at the  
7           Waste Board.

8           "All the Best, Joyce Scales."

9           So Madam Chair, with your interest in  
10          education, I thought you'd enjoy hearing that, a small  
11          accomplishment but significant nonetheless to all of  
12          us. Our information rich website is really  
13          accomplishing things out there to our stakeholders.

14          And the more mundane but still significant  
15          accomplishments, the last load of debris from the Archie  
16          Crippen cleanup project rolled off the site on September  
17          17th. In all, more than 4,100 truckloads of material  
18          were hauled off the site, carrying almost 93,000 cubic  
19          yards of debris and contaminated soil.

20          Our efforts on the site concluded on September  
21          22nd with the completion of the final topographic survey  
22          and aerial photography to document the work.

23          The Board's total investment at the site,  
24          including fire suppression and cleanup, was  
25          approximately \$2.7 million. We are optimistic about the

1 progress of our negotiations with the city of Fresno and  
2 the U.S. EPA to ensure and obtain cost recovery.

3 Last week staff met with representatives of the  
4 newly formed coalition consisting of the National Film  
5 and Bag Federation, which is a business unit within the  
6 society of the plastics industry, the California Film  
7 Extruders and Converters Association, and other plastic  
8 industry representatives, representing an estimated 80  
9 percent of the film and bag production in California.

10 The California Bag and Film Alliance wants to  
11 work cooperatively with the Board to address many of the  
12 issues identified in the plastics white paper.

13 The initial area of focus, including  
14 eliminating plastic pallets being released in the  
15 environment, increasing the amount of film plastic  
16 diverted from landfills, increasing the use of post  
17 consumer resin, and evaluating the role biodegradeable  
18 plastic.

19 Staff will continue to work with this forward  
20 thinking coalition to make a presentation at the  
21 January, 2004 sustainability market development  
22 committee.

23 In terms of news on the WRAP awards program,  
24 last week the Sustainability and Market Development  
25 Committee considered and unanimously approved the ten

1 proposed WRAP of the year awards winners for 2003.

2           As you know, the WRAP of the Year is an  
3 opportunity for the Board to present additional honors  
4 to those organizations engaged in sound business and  
5 environmental practices, that not only exemplify what  
6 WRAP looks for, but that are also helping their  
7 communities move beyond 50 percent and toward zero  
8 waste.

9           Should the Board approve this year's proposed  
10 list on today's agenda, staff will immediately begin  
11 working through the Office of Public Affairs to arrange  
12 recognition events for the winners.

13           As in past years, staff will invite and  
14 encourage all the Board members to participate in these  
15 events.

16           And then lastly, Madam Chair, I know it's been  
17 a while since we've heard about the La Montagna site,  
18 and I'd like to give a brief update on that site.

19           Sited in Huntington Park, the former Aggregate  
20 Recycling Systems site, also known as La Montagna, has  
21 been a difficult local enforcement problem since 1994.  
22 The site is located on the Alameda corridor within an  
23 area of predominantly low income and minority residents,  
24 and has become somewhat of a symbol for environmental  
25 justice concerns in Southern California.



1           Originally permitted under a conditional use  
2 permit by the city as a relatively modest inert debris  
3 recycling facility, the site rapidly took in a  
4 substantial amount of material for cleanup after the  
5 Northridge earthquake.

6           As the site grew to approximately 200,000 tons  
7 of concrete and asphalt rubble up to 60 feet high, it  
8 raised community concerns and drew attention from the  
9 city's code enforcement department.

10          Under pressure from the city, the operator  
11 ceased activity in 1997, leaving most of the material on  
12 site and unprocessed.

13          In December, 2000, the property owner, not the  
14 operator, signed a stipulated judgement to complete the  
15 processing and removal of the material.

16          There was optimism that the material would be  
17 used beneficially in construction projects at the  
18 Alameda corridor, Port of Long Beach, and Port of Los  
19 Angeles. However, even after an extension approved by  
20 the city until August of this year, something more than  
21 one-half of the material still remains on site.

22          The city counsel has recently authorized the  
23 city attorney to return to court to effect the removal.

24          Staff and the Board's Permitting Enforcement  
25 Division has continued to work with the LEA and the city

1 to assist in the enforcement and cleanup of this site.

2 Our staff are set to accompany the LEA later  
3 this week for site inspection in accordance with the  
4 phase one C&D regulations which became effective in  
5 early August. These new regulations give the Board and  
6 the LEA authority and responsibility to enforce the new  
7 state minimum standards and permitting requirements at  
8 inert debris processing sites like the Aggregate  
9 Recycling Systems.

10 Based on that site inspection, staff will  
11 assess the LEA in determining the appropriate followup  
12 action which will be coordinated with the city. Board  
13 staff will also continue to provide technical assistance  
14 on cleanup plans and end use options to help ensure  
15 removal as soon as possible.

16 And with that, Madam Chair, I conclude my  
17 report.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
19 Leary. Now that the deadline for the court ordered  
20 cleanup has passed, and the Board's C&D regulations are  
21 in place, it's definitely time for more aggressive  
22 enforcement by our local enforcement agency.

23 This site is a poster child for environmental  
24 justice, and I would like to see it cleaned up sooner  
25 rather than later. And I know I've been saying that for

1 about two years. I would urge every one of my fellow  
2 colleagues to go on, as it's called, the L.A. Toxic  
3 Tour, which is put on by the Communities for a Better  
4 Environment.

5           You really must see La Montagna to realize how  
6 close it is to children, how close it is to homes. And  
7 I will tell you that that tour changed the way I looked  
8 at environmental justice and changed me forever.

9           And in my comments about environmental justice  
10 I did forget to thank Romel Pascual who has led this  
11 whole effort, and who has done a fabulous job.

12           And he told me just yesterday that they will be  
13 having another one of these tours of that area, the  
14 Alameda corridor, the ports, Maywood, Bell Gardens, all  
15 these areas that have these really awful things. And I  
16 grew up in that area and I wasn't even aware of it.

17           But as I say, I suspect that in the face of  
18 additional court orders, that the city of Huntington  
19 Park may be seeking, as well as enforcement by the LEA,  
20 the property owner may be inclined to take care of this  
21 more quickly.

22           Mr. Leary, short of spending the Board's  
23 limited cleanup funds, I would ask that we make every  
24 effort to facilitate the removal of the remainder of the  
25 pile before the winter weather makes it more difficult.

1           In any case, would you please report back to us  
2 on this site in three months at our January meeting?

3           EXECUTIVE DIRECTOR LEARY: Yes, I will, Madam  
4 Chair, and thank you for your support and direction on  
5 this.

6           BOARD CHAIR MOULTON-PATTERSON: Thank you, I  
7 really appreciate it. Okay.

8           Moving on to our agenda. We, items 2, 3, 13,  
9 16, and 19 were heard at the committee level only.

10          Items 6 revised, 8, 11, 12, 17, and 18 are on  
11 the proposed consent agenda.

12          Items 1, 4, 5, 7, 9, 10, 14, and 15 will be  
13 heard by the full Board, and it's my intent to finish  
14 the meeting today.

15          We will be having a closed session after lunch,  
16 probably approximately at 1:30, and it's to do with  
17 personnel matters, Government Code 11126(A)(i).

18          Again I will read the proposed consent agenda,  
19 items 6 revised, 8, 11, 12, 17, and 18. Would any board  
20 member wish to pull any of those items from consent.

21          Seeing none, I'd ask for a motion.

22          BOARD MEMBER JONES: Madam Chair.

23          BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

24          BOARD MEMBER JONES: Thanks, Madam Chair. I'll  
25 move adoption of the consent calendar.

1 BOARD MEMBER MEDINA: Second.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
3 a motion by Mr. Jones, seconded by Mr. Medina to approve  
4 the consent calendar as read.

5 Please call the roll.

6 BOARD SECRETARY WADDELL: Jones?

7 BOARD CHAIR JONES: Aye.

8 BOARD SECRETARY WADDELL: Medina?

9 BOARD MEMBER MEDINA: Aye.

10 BOARD SECRETARY WADDELL: Paparian?

11 BOARD MEMBER PAPARIAN: Aye.

12 BOARD SECRETARY WADDELL: Peace?

13 BOARD MEMBER PEACE: Aye.

14 BOARD SECRETARY WADDELL: Moulton-Patterson?

15 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay.

16 Moving on to new business.

17 Special Waste. Mr. Medina, do you care to make  
18 a report at this time as chair of that committee?

19 BOARD MEMBER MEDINA: Yes, I would. The  
20 Special Waste Committee only had one item on its agenda,  
21 and that item had to do with regard to the household  
22 hazardous waste grant program.

23 Staff made a presentation in regard to some  
24 proposed changes, and the committee members had a  
25 discussion in regard to that. A lot of discussions

1 centered around rural jurisdictions and their program  
2 needs, and we had some very good testimony that was  
3 provided by representatives from the rural areas.

4 Staff will continue working on the changes to  
5 the program, and at some point they will be brought  
6 forward to the full Board for discussion and for action.

7 But again, staff did very good work in terms of  
8 the presentation that they made, and we had excellent  
9 discussion.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
11 Medina.

12 The Chair of our Budget and Admin Committee,  
13 Mr. Washington, is delayed and won't be here until after  
14 10:15 or so, so we'll come back to him for his report.

15 Education and Public Outreach, chair of that  
16 committee, Ms. Peace.

17 BOARD MEMBER PEACE: While the public, while  
18 the Education and Public Outreach Committee didn't meet  
19 this month, as Chairwoman Linda Moulton-Patterson said,  
20 the Governor did sign Assemblymember Pavley's AB 1548.  
21 It establishes an environmental education program that  
22 requires coordination with the Waste Board and all  
23 California BDO's.

24 We'll be establishing a series of environmental  
25 principles that are intended to ultimately be included

1 in the K through twelve curriculum. This is a huge step  
2 for both, integrating the environment into our schools.

3 Our first step is to outline the environmental  
4 principles by July of next meetings. So we've already  
5 gotten started with several scoping meetings.

6 Tricia Broddrick and the Office of  
7 Environmental Education will be taking the lead on  
8 this. It's going to be very challenging and also  
9 rewarding.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
11 Peace.

12 Okay. That brings us to item number one, and  
13 Mr. Simpson, will you be presenting this?

14 MR. SIMPSON: I will.

15 BOARD CHAIR MOULTON-PATTERSON: Consideration  
16 of the Communication Strategy and Outreach Plan.

17 MR. SIMPSON: Good morning, Madam Chair,  
18 distinguished Board members, Frank Simpson with the  
19 Office of Public Affairs.

20 Item one is the consideration of the  
21 communication strategy and outreach plan. The Office of  
22 Public Affairs has been working on this plan with input  
23 from your Board member offices and the Board's divisions  
24 and offices for about one year now.

25 It's the intent of the communication strategy

1 to connect the Board's strategic plan with the Board's  
2 mission, and then to use the three things as a tool to  
3 educate the public about the Board's environmental goals  
4 and resource conservation.

5 Now this plan is designed to reinforce the  
6 connection within the division programs and support the  
7 direction of the Board. It's a plan to reach out to the  
8 Board's many audience and constituents in a cost  
9 effective way.

10 We originally came to you asking for guidance  
11 in charting our path into the future. The Board had  
12 reached 25 percent in 1995, and as we passed 48 percent  
13 in 2002, it seemed time to set a new goal for the next  
14 ten years.

15 Building upon common thought and the  
16 originality of the Sacramento Zoo, our quest for a new  
17 slogan zeroed in on "Zero waste - you make it happen."

18 The zero waste theme provides a number of  
19 priorities for the next five to ten years. It sets our  
20 long-term sights on the zero waste philosophy. It  
21 supports market development. It places emphasis on  
22 recycled content products, promotes education, enhances  
23 diversion, and creates a strong tie for our tire and oil  
24 programs.

25 The strategy is simple. The zero waste message



1 will unify and coordinate all Board programs with a  
2 single theme. Program messages will be interlinked and  
3 benefit each other, effectively increasing the reach and  
4 breadth of each message.

5           At our Sacramento Zoo workshop we discussed the  
6 effective branding and the positive recognition gained  
7 by strong branding. The Board has long played a  
8 leadership role in protecting the environment, the zero  
9 waste message will help solidify that leadership.

10           The communication strategy and outreach plan  
11 also contains options for editorial boards, earned  
12 media, and op-eds. Many of those are already completed  
13 and waiting for placement.

14           The plan also looks for opportunities for  
15 ethnic, electronic, and grassroots outreach, all  
16 carrying that same zero waste message.

17           In closing, I'd like to emphasize that this  
18 plan is a living document. It can be expanded or  
19 contracted as needed. It can be adjusted when  
20 necessary, or as new programs are added, or as funding  
21 becomes available. But it does give us a baseline from  
22 which to proceed as we work toward a zero waste  
23 California.

24           I'd like to thank Chris Peck for some long  
25 hours and late nights in preparing the five previous

1 drafts.

2 And staff recommend Board approval on option  
3 one and adoption of Resolution 2003-461.

4 Thank you, and we're here to take any questions  
5 you may have.

6 BOARD CHAIR MOULTON-PATTERSON: Questions,  
7 Board members?

8 Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Yeah, thank you, Madam  
10 Chair, just briefly.

11 This has, this document has come a long way,  
12 and I think it's, it reflects some really good work  
13 that's happened from the committee, from Mrs. Peace's  
14 office, and from our public affairs office.

15 As we move forward with implementation of this,  
16 I'm wondering if it would be possible to have, say,  
17 maybe in a couple of months, a report back, perhaps a  
18 little timeline, task list of what you're planning to do  
19 with the report, how we're planning to implement the  
20 various items in the report.

21 Some of it's very ambitious. I know some of it  
22 may not be possible to implement in the short-term, but  
23 I think that having a report back of how it's going,  
24 what the timeline is for implementation, what you're  
25 planning to accomplish would be very helpful, and I bet

1 the rest of the Board would like to see something like  
2 that as well.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you.

4 Ms. Peace.

5 BOARD MEMBER PEACE: Yes. The overall point of  
6 the strategy is to promote a consistent message to all  
7 the Board's stakeholders, residents, local governments,  
8 businesses, all here in California, include suggestions  
9 for the Board to choose from depending on which  
10 audiences we want to reach and, as always, depending on  
11 resource availability.

12 "Zero waste - you make it happen," a slogan we  
13 all agreed upon earlier this year, should augment  
14 existing efforts.

15 We have logos and outreach efforts, we have  
16 excellent customer recognition like the oil drop and the  
17 used oil program. My intent, and I hope my fellow  
18 members agree, is not necessarily to replace those  
19 efforts, but again, to add to them.

20 The zero waste slogan should be the thread that  
21 links all the Board's program. I hope it's eventually  
22 so catchy and accepted that others also will want to use  
23 it.

24 I've already talked to Waste Management,  
25 Pacific Waste, and Edco about putting this zero waste

1 message on their billing statements, they all seemed to  
2 think that would not be a problem. They all say they'd  
3 cooperate with that. And I think the more we can get  
4 that message out there and however we can do it is just  
5 a good -- there's so many messages that the public is  
6 hit with, if we can all just give them the same message,  
7 "Zero waste - you make it happen," and it comes from  
8 industry, it comes from the Board, it comes from  
9 everywhere, that just makes it even stronger.

10 I know some of us support some of the  
11 strategies more than others, and I know we're adopting a  
12 general plan here, so we are going to have to prioritize  
13 these efforts and have some timeframes, like Mr.  
14 Paparian said, and to start with.

15 So I'd like to see an item next month to  
16 discuss the timeframes. And you know, maybe Frank, you  
17 would, will you be able to do that?

18 MR. SIMPSON: Yes, we will.

19 COMMITTEE MEMBER PEACE: Okay. Thank you.

20 BOARD CHAIR MOULTON-PATTERSON: Thank you.

21 Before we have a motion, I don't see any other lights, I  
22 really like the idea of providing positive feedback to  
23 businesses that are helping us reach zero waste. Not to  
24 compete with the WRAP awards, but just a simple way to  
25 say thank you and keep up the good work.

1 I'd like to see this idea expanded to include  
2 schools as well, and perhaps other entities that deserve  
3 positive comment once in a while. Last Friday's weekly  
4 news clips included an item from the Contra Costa Times  
5 about the Go Green Initiative at the Walnut Grove  
6 Elementary School in Pleasanton.

7 This is a perfect example of the type of thing  
8 I would like to see recognized, the kind of enthusiastic  
9 approach we need to encourage in our efforts to lead the  
10 way to zero waste.

11 And I, before I call on Mr. Medina, I would  
12 like to thank Ms. Peace for her leadership on this.  
13 It's really all come together since you've joined the  
14 Board, and I appreciate that. And I think it's a great  
15 way to go.

16 And thank you Chris and Frank for all your work  
17 on it, and Tom Estes also.

18 Mr. Medina.

19 BOARD MEMBER MEDINA: Thank you, Madam Chair.

20 First of all, I wanted to say that this  
21 communication strategy and outreach plan is very much  
22 needed. I was glad to see in there a call for the  
23 coordination among the Waste Board's programs so that we  
24 can come out with some sort of a unified message from  
25 the Waste Board.

1           Secondly, the section on the outreach to the  
2 ethnic and multi-language communities, that's also very  
3 good. We did the study on minority communities and the  
4 waste stream, and I think it is very important to get  
5 the message of recycling, reuse out to the various  
6 multi-language communities here in California.

7           There was a suggestion about having an  
8 international workshop sponsored by the Waste Board in  
9 regard to global waste management issues, and I'd like  
10 to point out that even though I think this is a good  
11 idea, I would not want us to ignore the fact that the  
12 Solid Waste Association of North America does have an  
13 international committee, we've participated in that  
14 committee, and that we have some of the top people  
15 around the world that come and make presentations there.

16           BOARD CHAIR MOULTON-PATTERSON: Thank you.

17           Ms. Peace, would you like to move this item?

18           COMMITTEE MEMBER PEACE: Okay. Here we go.

19 Yes, I'd like to move Resolution number 2003-461,  
20 Consideration of the Communication Strategy and Outreach  
21 Plan, 2003-2004.

22           BOARD CHAIR MOULTON-PATTERSON: I'll second it.

23           So we have a motion by Ms. Peace, seconded by  
24 Moulton-Patterson to approve Resolution 2003-461.

25           Without objection, let's substitute the

1 previous roll call.

2 And that, I will now call on Mr. Paparian, the  
3 chair of the Permitting and Enforcement Committee to  
4 give his report.

5 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

6 At our Permitting and Enforcement Committee we  
7 heard ten items, four of them we've already approved on  
8 the consent calendar.

9 One of them is on the fiscal consensus item  
10 that relates to the solid waste disposal and co-disposal  
11 site cleanup program.

12 One was, I think I mentioned, committee only.

13 And then four are coming up to the Board.

14 And then in addition, the item we're about to  
15 hear was not heard by the committee but was put on the  
16 full Board agenda only, and that's the landfill study  
17 related item.

18 I'm not sure if Howard is going to mention this  
19 or you may want to go into a little more detail. The  
20 committee is going to be holding a workshop, actually  
21 it's more of a tour, on October 27th to take a look at  
22 the Yolo County Bioreactor Landfill. We're going to  
23 take a little tour of that in the morning, and then in  
24 the afternoon, Yolo County staff is helping us  
25 coordinate this whole thing, they're going to help

1 facilitate a panel discussion which is going to be  
2 hearing a variety of perspectives on bioreactor  
3 landfills.

4 I think it's very important when we do these  
5 workshops that we hear from the range of perspectives.  
6 So we will be hearing from folks including Gary Hader  
7 from Waste Management, Chris Rickles from Sacramento,  
8 Greg Pirie, the Napa County LEA, as well as Peter  
9 Anderson, who is representing some environmental  
10 organizations.

11 So I think that the tour should be informative,  
12 and I think the panel should be lively and informative  
13 as well.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you.

15 Okay, Mr. Levenson.

16 MR. LEVENSON: Madam Chair, Board members,  
17 Howard Levenson, Permitting and Enforcement.

18 The first item under this permitting and  
19 enforcement category is the Presentation of the Draft  
20 Phase One Report on the Landfill Compliance Study, and  
21 Rubia Packard is going to take the lead on that item.

22 BOARD CHAIR MOULTON-PATTERSON: Okay, thank  
23 you.

24 Ms. Packard.

25 MS. PACKARD: Thank you. Rubia Packard with



1 the policy office.

2 As Howard indicated, this is a presentation and  
3 discussion by the Board of the draft phase one report of  
4 the landfill facility compliance study.

5 This is the result of the screening analysis  
6 that was done as part of this task. And Bobbie Garcia,  
7 who has been the project manager, will provide a brief  
8 overview of this project for you, because we are aware  
9 that not all of the Board members have been here the  
10 entire time since we started this project.

11 And then in addition to that, the contractor is  
12 here today, GeoSyntec Consultants of Walnut Creek, we  
13 have with us Patrick Lucia, who is principal and  
14 Chairman of the Board of GeoSyntec Consultants, and he  
15 will be providing a summary of their report that they  
16 are presenting to the Board today. And Mike Menchu has  
17 been the project manager for them, senior engineer with  
18 GeoSyntec Consultants in the event that you have  
19 questions.

20 So with that we'll have Bobbie give you a brief  
21 background, and then we'll have Mr. Lucia provide the  
22 report to the Board.

23 BOARD CHAIR MOULTON-PATTERSON: Okay, thank  
24 you.

25 Ms. Garcia.

1 MS. GARCIA: Good morning. I just kind of  
2 wanted to go over the complete study to give you a kind  
3 of a perspective of where today's report falls within  
4 the mind of the landfill compliance study.

5 To promote environmentally safe land disposal,  
6 the Board initiated a unique two phase cross-media study  
7 of that state's MSW landfills, and contracted with  
8 GeoSyntec Consultants.

9 Now this study is one -- it's the first of its  
10 kind. I don't know of any other state in the nation  
11 that has been looking at landfills across all media, in  
12 the size that we're doing, the number of landfills that  
13 are being looked at.

14 Phase one consists of a cross-media inventory  
15 and assessment of MSW landfill environmental performance  
16 for the periods of 1998 through 2001.

17 That means that the data that they looked at to  
18 assess the landfills or to inventory the landfills  
19 covered that timeframe.

20 For phase two, this consisted of an assessment  
21 of current regulatory effectiveness in protecting the  
22 environment for both the short and the long terms.

23 The landfill study is a major effort and it  
24 takes a comprehensive look at MSW landfills across the  
25 environmental media of air, water, and gas. This means

1 working with the regional water quality control boards,  
2 the air districts, and LEAs in gathering the  
3 information.

4 To facilitate the effort, from the initial  
5 drafting of the scope of work to reviewing all the work  
6 products for quality and completeness, a landfill study  
7 team was created, and it's consisting of staff from the  
8 State Water Resources Control Board, the California Air  
9 Resources Board, and then the Waste Board, primarily the  
10 Permitting and Enforcement Division.

11 Altogether the study consists of a total of  
12 eight tasks. Phase one consists of three tasks, and  
13 then phase two consists of five tasks.

14 The work that's been completed thus far. Under  
15 phase one, we've actually completed phase one of the  
16 study.

17 Task one is the checklist of pertinent  
18 environmental regulatory requirements, was completed and  
19 posted on the Board's website on April 11th of 2002.

20 This is a comprehensive listing of all federal  
21 and state MSW landfill regulations. And at the local  
22 level, a summary of air district regulations, city and  
23 county regulations, and ordinances and conditional use  
24 permits as they apply to the management of solid waste  
25 landfills.

1           Task two is the cross-media inventory of the  
2 224 MSW landfills, and these are landfills that have  
3 accepted waste since 1993 when the Federal Subtitle D  
4 regulations went into effect. This is, this was  
5 completed and posted on the Board's website on April  
6 9th, 2003.

7           The task two database is tremendous in size.  
8 It has more, consists of more than 25 megabytes, I don't  
9 know if that has much meaning, but it's a very large  
10 database, as large or larger than our solid waste  
11 information system.

12           It provides not only basic information, such as  
13 the landfill owner and operator, the size of the  
14 landfills, the age of the landfills, but it includes the  
15 environmental protection systems in place, and it lets,  
16 it says in the database what type of liner is in the  
17 landfill, what type of cover, do they have a gas  
18 monitoring system in place. There's a lot of  
19 information there.

20           It also covers compliance with environmental  
21 requirements including Regional Water Quality Control  
22 Board monitoring status, LEA inspection information, and  
23 enforcement actions that have taken place for that time  
24 period of '98 to 2001. And it also has air district  
25 equipment and emission standards where they have not

1 been complied with.

2           The accuracy of the information that was  
3 gathered for the inventory was very important in the  
4 study which led to the creation of an extensive review  
5 and comment period during this time, where landfill  
6 owners and operators and the three regulators were asked  
7 to review and comment on all of the information that was  
8 gathered within the inventory on the landfills. This  
9 was to ensure the accuracy of the information that was  
10 being used.

11           Task three is the phase one report that's  
12 coming to you today. It summarizes the results of the  
13 screening analysis performed on the cross-media  
14 inventory of the 224 MSW landfills, and this is done to  
15 better understand environmental performance. This is  
16 the report that we're presenting today.

17           It provides the information on environmental  
18 performance at MSW landfills, as well as a snapshot of  
19 their design and operational characteristics. And what  
20 I mean by that is they will be telling you how many  
21 landfills, the type of liners that are at those  
22 landfills, how many landfills are urban in the state,  
23 how many landfills are suburban in the state. There's a  
24 lot of information that's being provided on the nature  
25 of the landfills.

1           Work that still needs to be completed for the  
2 study is, all falls under phase two. The first one is  
3 task four which is the more in-depth look at forty of  
4 the 224 landfills that we already have studied, the  
5 inventory had been taken on.

6           Forty of those landfills, plus another 13  
7 additional landfills, and these are landfills that  
8 closed prior to 1993 before Subtitle D took effect. And  
9 this is being done to better understand why a landfill  
10 is not in compliance, and if it is related to current  
11 regulation within the state.

12          Task four is a major task, it's probably as  
13 large as task two in terms of the amount of information  
14 that will have to be gathered by the contractor, and  
15 they will again have to contact the regulators as well  
16 as the landfill owners and operators to gather the  
17 information. This information will be added to the  
18 existing database inventory that came out of task two.

19          Task five is the second part of task four. It  
20 takes the information that was gathered in task four,  
21 summarizes that information for a more in-depth look at  
22 the MSW landfills, and to see if the current regulations  
23 play, the role they play with regard to compliance to  
24 better understand regulatory effectiveness.

25          This is a major report. It's going to be

1 probably the same size as the report that came out  
2 today, and it's going to present information on the  
3 effectiveness of the Waste Board, the Water Board, and  
4 Air District regulations in achieving environmental  
5 compliance at landfills. The contractor will draft this  
6 report upon completion of the task four effort.

7           The rest of phase two are individual studies  
8 that are being done at the same time. There's task six,  
9 which is an evaluation of selected states and countries  
10 that MSW landfill regulations, and identification of  
11 those that could improve California's program if  
12 applied.

13           The contractors finalized the list of the eight  
14 states and five countries whose regulations will be  
15 evaluated, collected the regulations, and has begun an  
16 initial review.

17           Task seven is the identification of emerging  
18 technologies that, if applied in California, could  
19 improve the operation of California's MSW landfills.

20           We have just received the final draft version  
21 of the report from the contractor, and we will be  
22 presenting that report to the Waste Board at its next  
23 monthly Board meeting.

24           Task eight is the final report that summarizes  
25 the results of the study, identifies indicators, and

1 those are indicators that could be water quality  
2 indicators or dealing with landfill LEA issues, but they  
3 will be indicators that could be used to track ongoing  
4 environmental performance.

5 The contractor has not begun work on this  
6 report because it's going to summarize the phase one,  
7 phase two effort, as well as the additional findings  
8 from tasks six and seven.

9 And one other note is that the contract expires  
10 on May 15th of 2004.

11 And lastly, I just wanted to go through the  
12 proposed schedule where we will be bringing the  
13 different tasks before the Board.

14 For the meeting in November we'll be coming  
15 before the Board, and that will be with task seven, that  
16 will be the emerging technologies where they looked at  
17 other areas to see if they could be applied in  
18 California.

19 Task four will be coming board the Board on  
20 December, 2003. That's the gathering of the more  
21 in-depth look of information on landfills to see if we  
22 can better understand regulatory effectiveness.

23 Task six will come before the Board in December  
24 as well, and that's the look at other states and  
25 countries to see if any of their regulations could



1 improve California's program if applied in California.

2 Task five, which is the phase two report, will  
3 be coming before the Board in February of 2004.

4 And then the final report would be April, 2004.

5 And I just want to correct, the task four, my  
6 understanding is that that will be going before the  
7 Permitting and Enforcement Committee rather than before  
8 the full Board because it's more of an inventory of a  
9 lot of data. So it would be more of presenting how that  
10 data was gathered and some of the findings that came  
11 from that data.

12 But the main analysis of that information will  
13 be the task five report, the phase two report which will  
14 come before the Board in February.

15 So unless you have any questions or comments on  
16 what I just presented on the overall study, Pat Lucia  
17 and Mike Minch, I'll turn it over to them and they can  
18 do the presentation on the draft phase one report.

19 BOARD CHAIR MOULTON-PATTERSON: One question or  
20 comment.

21 Ms. Peace.

22 BOARD MEMBER PEACE: Yes, I had one question.  
23 On the phase two, task four, where we go ahead and take  
24 a more in-depth look at the forty MSW landfills what,  
25 how did you select those?

1 MS. GARCIA: That was done basically by the  
2 landfill study team. And it was just, we also had the  
3 contractor go through, they did an initial look at the  
4 landfills. And they tried to give a range, there was  
5 certain things they were looking for, like for sure on  
6 the list is going to be all the landfills that are fully  
7 lined, Subtitle D, those are four landfills. They're  
8 included on the list.

9 We wanted to give a variety of all the  
10 different types of things that can, you know,  
11 characteristics that can occur at a landfill so that  
12 that would be looked at.

13 Like also if they have a gas collection system  
14 in place, or if they have a different kind of cover.  
15 Some of them were more Subtitle D level covers, you  
16 know. Those were included in the study, or the task  
17 four report.

18 We also wanted to get a good distribution  
19 geographically of the state in selecting those  
20 landfills. We wanted to make sure they were kind of  
21 even between urban and suburban and rural.

22 So it's just a lot of criterion. And I think  
23 we passed that information onto the Board in June, and  
24 we kind of went through some of the things we  
25 identified.

1           And it's also in the task four report, task  
2 three -- task three, phase one report which you have  
3 before you, it does give you the list, but it doesn't go  
4 through the criteria as much. But it has a table in  
5 there, and you can kind of see how the different  
6 landfills fall within the table to meet some of the  
7 things we were looking for.

8           And then after the contractor presented us with  
9 the list, then the landfill study team looked at it and  
10 kind of, we made a few changes just to make sure some of  
11 the really large landfills were included in the list,  
12 and then that was provided to the Board, and we asked if  
13 the Board members had any comments or wanted to see  
14 anything. And then that was the final list.

15           BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
16 you very much.

17           MS. GARCIA: You're welcome.

18           MR. LUCIA: Good morning, Madam Chairman, I'm  
19 Pat Lucia with GeoSyntec, and Mike Minch, who's  
20 basically been our day to day project manager. Thank  
21 you for having me here today.

22           What I really want to do is to -- get to the  
23 right slide -- give you an overview of the report, and a  
24 brief summary of all of the activities and the way in  
25 which we looked at the data, what the presentation in

1 the report means, so that you'll at least have some  
2 basis as you go through it, it's a fairly substantial  
3 report with quite a lot of data.

4 Before I do that I really wanted to thank the  
5 team we've worked with, you know, Mark Leary, Rubia  
6 Packard, and Bobbie Garcia. Over the years that we've  
7 worked on this report we've done a lot of arm wrestling  
8 to get to where we are today, and these people have all  
9 been very, very supportive and very professional in our  
10 dealings, and have significantly contributed to the  
11 report that you see today and the quality of that  
12 report. And I just want to acknowledge their  
13 contributions.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you.

15 MR. LUCIA: Bobbie covered a number of the  
16 things that we did, but this slide gives an example of  
17 the daunting task that we had in this report.

18 We had 224 landfills and owner operators that  
19 we needed to contact. We had 97 different regulatory  
20 bodies that we had to visit and go through their files.

21 We went through two series of reviews on this  
22 to make sure that the data that we collected was as  
23 accurate as it could possibly be.

24 During the course of that we received 237  
25 comments. Comments could be as much as several inches

1 of paper from any agency or owner operator.

2 And then finally, all the parties had a chance  
3 to review the second go-around of the database to ensure  
4 that it's as accurate as possible for this time period.

5 As Bobbie mentioned, this is a large database,  
6 a 25 megabyte database. And I'll explain how we used  
7 that data and some examples of that as we go forward.

8 We had over a thousand scanned documents,  
9 permits, photos that we had to put into the database,  
10 and so it was quite a, it was quite an undertaking.

11 The goals that we had in task three basically  
12 was to characterize solid waste sites with respect to  
13 site characteristics. We had to develop screening  
14 indicators for evaluating their environmental  
15 performance, do the analysis to evaluate the state of  
16 these landfills, come out of that study with forty  
17 landfills that we would recommend for the phase two  
18 study.

19 And we also looked at some additional landfills  
20 that didn't accept solid waste, there's about twelve  
21 landfills or so that are included as part of that.

22 We characterized MSW landfills based on site  
23 features, things that we could quantify, measure, that  
24 we could find data on; things such as the features at  
25 the site, the geologic materials, depth to groundwater,

1 where was the site located, what, is it an urban area, a  
2 rural area, what's the rainfall in that area, the owner  
3 type, the site status, the liner type, gas collection  
4 systems. So everywhere we could find quantifiable data  
5 we tried to fill this out for every one of the 224  
6 landfills that we looked at.

7 In order to do our study, we then took what we  
8 thought, what we characterized as independent variables,  
9 these features of the site that we could go in and find  
10 some quantifiable data on, the owner type, landfill age,  
11 size, all the things on the previous slide.

12 And then we developed what we call dependent  
13 variables. And these section numbers are the sections  
14 in the report. And what this means is that a site, for  
15 example, that's in corrective action, we then related  
16 that back to some of the independent variables. Is it  
17 in corrective action because it's in an area with high  
18 rainfall? Is it in corrective action because it's owned  
19 by a private or public entity? Is it in corrective  
20 action because of its size or liner type? So that these  
21 dependent variables are all things which tied back to  
22 site features that we were able to gather.

23 We also needed to make a number of assumptions  
24 in doing a study of this magnitude across the state as  
25 diverse as California with the number of landfills that

1 we were looking at.

2 So the basic assumptions in this report is that  
3 the monitoring systems at each site are sufficient to  
4 have an adequate picture of the environmental  
5 performance. If there's a problem, the monitoring  
6 system can detect that problem.

7 That the actions of the regulators are  
8 appropriate for the actual environmental impact.  
9 Because we are taking the outcome of these landfills,  
10 that it's in corrective action or whatever the case may  
11 be, and we're assuming that that's uniform across the  
12 state, that given a set of data at a site, a regulator  
13 would apply the same actions everywhere.

14 It turns out that's not true, as you might  
15 guess. And so, in doing this we had to adjust some of  
16 the data and some of the interpretations to get things  
17 into similar categories. And I'll explain a little bit  
18 more as we go along how, some examples of how we did  
19 that.

20 So in doing this study the presumptions, the  
21 basis for our study is that the data we collected was  
22 quantifiable, that it's available for each landfill, all  
23 224 landfills.

24 The outcomes are representative of performance.

25 And that they're uniformly measured across the

1 state.

2 That is the basic set of assumptions that is in  
3 this study.

4 As an example of some of these indicators, this  
5 is a table in the report that lists state oversight,  
6 local oversight.

7 In corrective action is a function of the  
8 outcome from the regional board. They can put a site in  
9 corrective action. It turns out that some offices of  
10 the regional board regulate sites with cleanup and  
11 abatement orders instead of corrective action, and we  
12 grouped those together as the same action or outcome.

13 We looked at gas inspection reports,  
14 enforcement actions, surface water actions, and air  
15 quality violations.

16 We focused primarily on the South Coast Air  
17 Board and the Bay Area Air Board, and I'll talk a little  
18 bit later about why that is, because there's a lot of  
19 variation in the way those agencies regulate activities  
20 at landfills.

21 As an example of some of the data that you'll  
22 find in the report, and there are numerous tables like  
23 this in the report, you can look at site characteristic  
24 data. For example, of the 224 landfills that we looked  
25 at in this study, 62 percent are rural sites, 32 percent



1 are urban sites. So you can see by looking at this  
2 where these are located.

3 You can go to the database and you can ask for  
4 which sites are fully lined, partially unlined, or fully  
5 unlined. You can see in the State of California only 16  
6 of the 224 sites that we looked at are fully lined,  
7 either fully Subtitle D lined, or fully lined where it's  
8 only partially Subtitle D. But 138 of the sites are  
9 fully unlined.

10 You can look at the characteristics. You can  
11 see, of the 224 sites 128 are active. 31 are a  
12 combination of active plus portions are closed or  
13 inactive.

14 Now, this table appears cumbersome, but I'm  
15 using it to show you that in this table we are looking  
16 at three different variables and how they relate. We're  
17 looking at the site status category, either active,  
18 inactive, closed.

19 We're looking at the setting, either urban,  
20 suburban, or rural.

21 And the outcome, the regulatory outcome of the  
22 site.

23 So you can see of the active sites, 16 of the  
24 active sites in urban areas are in corrective action.

25 14 of the sites in rural areas are in

1 corrective action.

2           And you can look at the ratios. You can see 14  
3 out of 81 sites in rural areas are in corrective action,  
4 whereas 16 out of 38 of the urban sites are in  
5 corrective action.

6           And so there are a number of tables in the  
7 report that look at multi variables and make comparisons  
8 between them.

9           This is another example. This is a two  
10 variable table where we have the environmental  
11 performance and the liner type. And you can see, for  
12 example, of the fully unlined sites, 24 percent are in  
13 corrective action; 76 percent are not in corrective  
14 action.

15           And again, looking at the fully Subtitle D  
16 sites, I mean of the, another three variable table, we  
17 can look at the liner type corrective action, and the  
18 status of the site, and we can see where these sites  
19 are.

20           One of the things that came out of this report,  
21 I believe, that was surprising to us, and I think  
22 surprising to the whole team, my company works on  
23 landfill sites probably in every state in the country  
24 and in several other countries.

25           If you had asked me what a typical landfill was

1 in the State of California, this would not have been my  
2 answer. The typical landfill in the State of California  
3 is publicly owned, it's active, it's rural, it's 55  
4 acres, it is either fully unlined or partially unlined,  
5 it's fully uncovered, and it has no landfill gas  
6 collection system.

7           So if you take the 224 sites that we looked at,  
8 this is the average site. Now obviously we've got  
9 extremes out there. We've got four fully Subtitle D  
10 sites, 16 total sites that are partly Subtitle D but  
11 fully lined, but they are not the typical site in the  
12 State of California, this is the typical site.

13           If we look at remaining capacity in the state,  
14 this is a very difficult number to get a handle on.  
15 Different people measure capacity in different ways. We  
16 looked at, and it's located, the information is located  
17 in a number of different documents.

18           We tried to go through and sort this in the  
19 best way we could, but you can see there's 1.2 billion  
20 cubic yards of capacity statewide. Based on current  
21 disposal, we believe this is about a 19 year capacity.  
22 But you can see from this figure that that capacity is  
23 not evenly distributed, it's around the larger urban  
24 areas, but there are a number of places, counties in the  
25 State of California that have no remaining disposal

1 capacity.

2           Some of the conclusions out of this study.

3 That the sites most likely to be in corrective action or  
4 have water related cleanup and abatement orders, and we  
5 grouped those together because, as I said earlier, some  
6 regional board offices are managing sites with cleanup  
7 and abatement orders as opposed to corrective action.  
8 They're located in urban areas, they're partially  
9 unlined, and there's a real correlation with  
10 precipitation. The more rain you have, you know, the  
11 more problems you're going to have. Large volumes of  
12 waste, we have some landfills in the State of California  
13 with large capacities, that with higher precipitation  
14 produces a potential, increases the potential for a  
15 release.

16           It also relates to landfill gas problems. A  
17 larger volume of waste -- a landfill with a larger  
18 volume of waste is more likely to have a gas collection  
19 system, and therefore it's more likely to have gas  
20 compliance issues because it has a gas collection  
21 system.

22           We looked at, and one of the things we found in  
23 doing this study was the inconsistency through the state  
24 in how various agencies regulate these sites. And I  
25 think that would probably be expected because each of

1   them have different missions.

2           You know, the air quality districts are  
3   basically regulating equipment at the sites and so  
4   they're, as we looked at compliance issues related to  
5   air quality issues, they were generally the sites with  
6   some type of gas control system, because if there's no  
7   gas control system there's really nothing to regulate.

8           We found the air quality districts in different  
9   areas have different rules in attempting to enforce  
10   Title 5 and other regulations.

11          In a lot of areas there are districts that  
12   don't have landfills gas collection systems. So we  
13   ended up focusing on the two large air quality districts  
14   because that was where most of the data was at.

15          We found that regional board offices enforce  
16   groundwater problems differently. As I said earlier,  
17   some use cleanup and abatement orders, some will use  
18   corrective action for basically the same problem.

19          One of the things that we couldn't do in this  
20   site that we thought we could at the beginning was we  
21   were looking, going to look at concentrations in  
22   groundwater and levels of contamination and try and  
23   relate that to the action. But that was such an  
24   enormous task it couldn't be done, so we ended up  
25   looking at the in corrective action or cleanup and

1 abatement order as the measure, general measure of  
2 whether there's a problem or not.

3 As Bobbie mentioned, the next step is an  
4 in-depth look at forty of the sites. This figure here  
5 shows the location of the sites, and within the report  
6 at section seven there is a table which gives all of the  
7 sites that we're going to look at, and some of the  
8 issues at those sites that we will be taking a more  
9 in-depth look at.

10 And again, this was something I believe that  
11 the Board got in June. And this is ongoing at the  
12 present time.

13 So with that, we are open to questions.

14 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
15 you very much for your report. I don't see any  
16 questions at this time.

17 Oh, Mr. Washington.

18 BOARD MEMBER WASHINGTON: Yes, ma'am.

19 BOARD CHAIR MOULTON-PATTERSON: Go ahead.

20 BOARD MEMBER WASHINGTON: I'm sorry.

21 BOARD CHAIR MOULTON-PATTERSON: And let the  
22 record state that Mr. Washington is here.

23 Do you have any ex-parte before --

24 BOARD MEMBER WASHINGTON: I have none.

25 BOARD CHAIR MOULTON-PATTERSON: Okay.

1 BOARD MEMBER WASHINGTON: In terms of the, is  
2 it correct that 25 percent of the landfills in  
3 California are privately owned?

4 MR. LUCIA: I don't remember. I think --

5 BOARD MEMBER WASHINGTON: I think it averaged  
6 out to about 25 percent.

7 MR. LUCIA: If you have that table in front of  
8 you, then yeah, that probably would be true. I don't  
9 have that number.

10 BOARD MEMBER WASHINGTON: With that 25 percent,  
11 how much waste actually goes into that 25 percent of the  
12 landfills out of California?

13 MR. LUCIA: I don't have that number, but I  
14 would think that it would be much larger than 25 percent  
15 because the privately owned landfills tend to be larger.  
16 And that's partly because a private landfill company is  
17 making a big capital investment, and they're probably  
18 looking to get the largest capacity they can for the  
19 investment. So the larger landfills are generally  
20 privately owned. And so the proportion, it wouldn't be  
21 25 percent of the waste going to the private, it would  
22 be a much higher number. And that can be easily pulled  
23 out of the database.

24 BOARD MEMBER WASHINGTON: And you do have a  
25 database in terms of, even if it's larger, do you have

1 a, you can pull out a number in terms of how much waste  
2 go into those private landfills?

3 MR. LUCIA: Yes, sir. We could go -- and the  
4 way the database is set up is you could go in and query  
5 the privately owned landfills, and the information on,  
6 you know, volume and capacity is there, and so you can  
7 pull, you know, those two numbers out.

8 There literally are an infinite number of  
9 combinations of things that you could look at, but that  
10 would be a very simple thing to do.

11 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
12 you.

13 In addition, I know GeoSyntec mentioned this,  
14 but I wanted to personally thank Ms. Packard and Ms.  
15 Garcia for all your long hours on this and coordination  
16 with GeoSyntec.

17 And thank you.

18 With that -- oh, excuse me, Mr. Jones, I didn't  
19 see your light there.

20 BOARD MEMBER JONES: Thank you, Madam Chair, I  
21 appreciate it.

22 Just a couple of things. I want to thank Mr.  
23 Lucia, and his GeoSyntec as well as our staff.

24 I think the importance of this document, and  
25 believe me, I appreciate the, how hard it was for you to



1 get this information. I think with this study, as a  
2 basis for making decisions for this group as well as  
3 with the Water Board and maybe others, is to really take  
4 this data and figure out, obviously, are our regulations  
5 appropriate based on different climatic conditions and  
6 things like that, and I think that's really important.  
7 So I'm eagerly awaiting the next part or the next  
8 deliveries of these, of this data.

9 I am wondering that, the fact that we've got a  
10 lot of landfills that were built prior to the  
11 regulations to have clay liners, and you made the  
12 determination in the report I think where there was clay  
13 liner applications, which was the appropriate  
14 environmental protection at that time before Subtitle D.

15 Do we see, is the next task going to be able to  
16 correlate specific environmental problems  
17 differentiating between those different landfills? You  
18 know, meaning the unlined sites that are older, that may  
19 have been taking in a very different waste stream, may  
20 have problems with constituencies that are much  
21 different than a newer landfill where there were  
22 different restrictions on what went into landfills.

23 Because this is important for us, I think, to  
24 start connecting dots. Because we do so much stuff in  
25 silos that, you know, I mean we've got landfills that

1 are lined or partially lined. We've got to be able to  
2 find out what are the kinds of releases that we're  
3 seeing at those sites based on, you know, not only the  
4 release, but the precipitation, working face, geology,  
5 those types of things, versus those sites that don't  
6 show those constituencies.

7           Otherwise I think we've missed an opportunity  
8 to really use this report to effectively see what our  
9 next steps are. Is there going to be an ability to see  
10 some of that information?

11           MR. LUCIA: I think that at the start of this  
12 study there was an anticipation that we could correlate  
13 the newer Subtitle D or fully lined sites with unlined  
14 sites and make some comparisons there.

15           I think as we did the study the difficulties  
16 with coming to those conclusions, there are several.

17           One is that we have very few lined sites  
18 relative to our total inventory of landfills.

19           Secondly, those sites are in the early stages  
20 of their life. And I'd be willing to bet if we had the  
21 ability to go back in time to many of the unlined sites  
22 and looked at their environmental performance at that  
23 point in their age, you probably wouldn't find any  
24 problems either.

25           Now I think intuitively we all believe, and

1 certainly given what my company does, you know, we think  
2 lined sites are better.

3 BOARD MEMBER JONES: Right.

4 MR. LUCIA: But I don't think that there's a  
5 statistical relevancy to the data at this point to  
6 compare the performance of the few totally lined sites  
7 in the State of California with the unlined sites.

8 One of the things for me personally that came  
9 out of this is that as I looked at the status of  
10 landfills in the State of California and how many of  
11 them, unlined or partially lined, it was that the  
12 effects of our current regulations, Subtitle D, are  
13 going to be a long time in having a major impact on  
14 environmental performance because we have so much  
15 capacity and so much waste already stored in unlined or  
16 partially lined facilities.

17 So the problems that we're dealing with today,  
18 our children will probably be dealing with in different  
19 ways. And the date to which we get where all of our  
20 waste is going to totally lined facilities is way down  
21 the road.

22 BOARD MEMBER JONES: Okay. But based on what  
23 you've just said, isn't that an opportunity for the  
24 Board to look at the unlined sites or the partially  
25 lined sites, look at those kinds of releases, if there

1 are, and some have 'em, some don't. Some are performing  
2 better than expected probably, for a whole lot of  
3 different reasons.

4 It would seem to me that would be the part that  
5 we would have to focus on to see if we have appropriate  
6 safeguards in place, you know what I mean, as far as  
7 working face, those types of things.

8 MR. LUCIA: I agree exactly with that. And I  
9 think one of the benefits of this report is that all the  
10 information, I think can help, you know, groups like you  
11 focus the limited resources we have on those areas that  
12 are most likely to have the biggest problem.

13 Now, you can look at our report and go into the  
14 database and you'll find that sites, you know, in rural  
15 areas and arid climates are not having the level of  
16 problems that sites, larger sites with higher  
17 precipitation are having, and that's a way of setting  
18 priorities in dealing with these problems.

19 BOARD MEMBER JONES: Right. And is it, is it  
20 also maybe fodder for this Board to start thinking  
21 about, does one set of regulations for the State of  
22 California make sense when we've got landfills in so  
23 many different climatic conditions where we may be  
24 putting burdens on sites unnecessarily, but not enough  
25 restriction or at least best management practices on

1 those sites that are going to be negatively affected,  
2 you know, with the existing regs. I mean is it worth  
3 the discussion and looking at tailoring?

4 MR. LUCIA: Yeah, I think that, sure,  
5 California is a very diverse state, and our study shows  
6 that, and behavior is very diverse, and there certainly  
7 is a part of geographic location that plays a role in  
8 performance.

9 And to the extent that you could modify or  
10 change the regulations or, you know, the priority or,  
11 you know, the amount of effort that goes into the lower  
12 risk sites and divert that to sites with more potential  
13 for environmental problems, and I believe that's, may be  
14 a good way to manage resources.

15 BOARD MEMBER JONES: All right. And I'm done,  
16 Madam Chair, but I do want to thank, I know this has  
17 been tough. I mean it was a big contract for us to let,  
18 that was one of the largest dollar contracts that this  
19 Board, and I've been on this Board for almost seven  
20 years, that was one of the largest contracts we ever  
21 let. And it probably doesn't seem like much money to  
22 you for the amount of work, but you know what, that's  
23 the way it works.

24 But I appreciate your, appreciate your work. I  
25 appreciate the effort of all of the different people

1 that have worked on it, and I know our Board does.

2 I think this is going to be a tool for  
3 responsible, you know, regulators to really use to  
4 better address the environmental impacts to California.  
5 So I am looking forward to the reports coming.

6 MR. LUCIA: And one other comment related to  
7 that is that the landfill business is important to us,  
8 it's what we do, it's our company's business. And when  
9 we went into this contract we went into with, in our  
10 proposal that we would donate time to this project. The  
11 magnitude of the project escaped us at that time, and I  
12 can tell you that on GeoSyntec's part we have donated  
13 approximately 2,000 hours of our time to this project  
14 because we believe it's important, we want a good  
15 product when we get to the end, and we know it is a one  
16 of a kind study, probably on this planet.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
18 Jones. Thank you very much and we'll now take a ten  
19 minute break.

20 (Thereupon there was a brief recess.)

21 BOARD CHAIR MOULTON-PATTERSON: I'd like to  
22 call the meeting back to order.

23 Mr. Jones, any ex-partes?

24 BOARD MEMBER JONES: Just a conversation with  
25 Mr. Cupps on this fine report from GeoSyntec.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.  
2 Ms. Peace?  
3 BOARD MEMBER PEACE: I'm up to date.  
4 BOARD CHAIR MOULTON-PATTERSON: I'm up to date.  
5 Mr. Medina?  
6 BOARD MEMBER MEDINA: I have nothing to report.  
7 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian?  
8 BOARD MEMBER PAPARIAN: Yeah, John Hunter just  
9 regarding general permitting related issues.  
10 Dan Avera regarding the nursery and products  
11 item.  
12 And then just a brief hello to Mr. Hodgkiss  
13 from DWP.  
14 BOARD CHAIR MOULTON-PATTERSON: Okay, thank  
15 you.  
16 Mr. Washington?  
17 BOARD MEMBER WASHINGTON: I have none.  
18 BOARD CHAIR MOULTON-PATTERSON: Okay, thank  
19 you.  
20 I want, at this time we're going to be taking  
21 item five next, but I think Mr. Leary had a request on  
22 item number seven.  
23 EXECUTIVE DIRECTOR LEARY: Yes.  
24 COMMITTEE CHAIR PAPARIAN: So Mr. Leary?  
25 EXECUTIVE DIRECTOR LEARY: Yes, thank you,

1 Madam Chair.

2 At the request of the LEA and the operator I  
3 will take advantage of my prerogative and pull agenda  
4 item seven from today's calendar. And I apologize to  
5 all gathered here for the lateness of notice.

6 There is a constituent from the school in  
7 Adelanto who is here and has traveled here to present on  
8 that item. Since we are pulling the item from the  
9 calendar, it is my recommendation, Madam Chair, that  
10 maybe we take a brief moment to open it to public  
11 comment and allow that person to speak.

12 BOARD CHAIR MOULTON-PATTERSON: Okay. At this  
13 time I will be taking our public comments. Do I have a  
14 request?

15 Come forward, please, and state your name for  
16 the record.

17 Good morning.

18 MS. DAVIS: Good morning, Madam Chair  
19 Patterson, and also Vice Chair Mr. Medina, to Board  
20 members Mr. Washington and Mr. Paparian, Ms. Peace and  
21 also Mr. Jones.

22 Thank you for giving me the opportunity to  
23 speak. It's something that I jokingly say --

24 BOARD CHAIR MOULTON-PATTERSON: If you'd state  
25 your name for the record?



1 MS. DAVIS: I am so sorry.

2 BOARD CHAIR MOULTON-PATTERSON: That's quite  
3 all right.

4 MS. DAVIS: My name is Melva Davis.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
6 Davis.

7 MS. DAVIS: I serve as a public servant for the  
8 State of California as a principal of Bradach Elementary  
9 School in the Adelanto School District.

10 And while I'm talking about that, I always have  
11 to say that the name Adelanto in Spanish, for those who  
12 are familiar with Spanish, means moving progressively  
13 forward. So it's a name that I'm very proud of.

14 I wanted to spoke on behalf of my students and  
15 that's why I am here. It is very important that we all  
16 remember that the children are first, period, no matter  
17 what we're dealing with, because everything affects the  
18 children. They are our legacy.

19 So I'd like to say, since today the children  
20 are our focus, I want to consider you to just  
21 concentrate, or focus with me on the children who live  
22 in both northern and southern Adelanto.

23 Our school site is located just within a mile  
24 of the compost company business. Our appeal is one of  
25 grave concern for the community. I speak today for the

1 children who are currently enrolled, enrolled in Donald  
2 F. Bradach School, a core knowledge school housing  
3 preschoolers beginning at age three and a half up  
4 through eighth grade, which we hope for sure by 13 and a  
5 half we've sent them on meeting all standards.

6 My appeal reaches further though than just  
7 these children who are enrolled in school. It extends  
8 to encompass the siblings of those students and the  
9 community, the infants, the unborn children, and high  
10 school students as well.

11 I appeal to your genius because in each of you,  
12 as in all of us, is a genius. An African folk tale  
13 defines genius as the term was, an elder who once was,  
14 will be, as a young child developing, is as an adult  
15 person with the courage to explore, create, challenge  
16 and conquer.

17 We, the adult are, is all of the people in this  
18 room. The decisions that we make are, should be prudent  
19 decisions to protect the future constituency of the  
20 State of California.

21 We further, if I may, using street lingo, we be  
22 representing, is what my middle schoolers say, those who  
23 have yet to grow into adulthood, and they have a silent  
24 voice. Those who are old, and I must admit terribly  
25 impoverished. And I say that not meaning that they are

1 culturally impoverished, I'm talking about economics.  
2 Those who are incarcerated, those with disabilities, and  
3 those employed or in between jobs is the term.

4           Our task is to mold us. Collaboration is  
5 needed to meet the needs of the masses. As I stand  
6 before you today I'd like for you to think of any child  
7 that you know, any age group that you know, and join  
8 with me in creating the perfect environment for them.  
9 Tenets of this environment would include housing and an  
10 adequate balanced meal every day.

11           67 percent of Bradach's students are under the  
12 Cal Works program, which means that their families are  
13 entitled to either free or reduced meals. For our  
14 children this means breakfast and lunch, and it also  
15 means that if they don't have breakfast and lunch, it  
16 may be the only meals of the day that they've had an  
17 opportunity to have.

18           I'm concerned that because of the decay or  
19 residual or -- excuse me -- organic matter, bacteria  
20 that's in the atmosphere, which I am convinced breeds  
21 human disease, adding to our general worldwide crisis of  
22 drug resistant diseases.

23           60,000 Americans die each year because their  
24 medications were ineffective in combating bacterial  
25 strains. Each year on average an American becomes ill,

1 and 9,000 of Americans will Demise from something they  
2 ate.

3 According to the Population Reference Bureau, a  
4 Washington, D.C. based research group, predicts there  
5 are 840 million people who are malnourished, and nearly  
6 fifty die of starvation every day. Every three seconds  
7 across the world a child dies from starvation.

8 Have you considered what effect that algae,  
9 bacteria, nitrogen oxide, or any other chemical matter  
10 may have on the children and their families, or the  
11 excess forest nitrogen oxide.

12 With that information shared, please permit me  
13 to address my initial appeal.

14 These are actual accounts that happened. The  
15 plant opened in the city of Adelanto, I believe last  
16 year in November. We didn't really begin to experience  
17 any problems or concerns until late January of this  
18 year. I'm sorry.

19 Are we performing indiscriminately in the wake  
20 of the children? Are we concerned about the ecosystems  
21 being destroyed and the humane needs of all children.

22 Fertilizers we use to grow crops, lawns,  
23 etcetera, can account for possibly six percent of the  
24 greenhouse effect.

25 Fertilizer, weed killers, pesticides, etcetera,

1 if sprayed on land into the atmosphere creating a  
2 noxious carcinogenic cocktail, if you will.

3 Companies which produce fertilizers and other  
4 agricultural chemicals poison the air. Are we prepared  
5 to meet the high risk of medical needs of our children  
6 children, our future?

7 I'm further concerned about contamination of  
8 groundwater. Depletion of the water is a reality in  
9 California, especially Southern California.

10 I'm concerned about the use of decomposed  
11 organic matter which breeds flies and their pulpae, a  
12 form possibly mild in the beginning, but over time  
13 erodes the bodies of the unborn children, the aging, and  
14 the child.

15 We began to experience what we believed was  
16 possibly an experiment, because California is notorious,  
17 if I may, for experimenting. So as a staff we began to  
18 feel that just maybe scientists had chosen the high  
19 desert to incubate flies, to help combat the flies that  
20 are poisonous to the United States. We didn't know.

21 But with that experiment, as we thought about  
22 it and more and more flies became more prevalent, a  
23 noxious odor accompanied it.

24 It took some time to determine what caused the  
25 intrusion and the foul air. The swarm of flies became

1 such a nuisance that it became almost impossible for  
2 children to eat meals. Finding flies on every food  
3 item, flies on their person, flies in their salad bar,  
4 flies on their pizza, dead, and the list continues.

5           There are warnings that we've gone to our  
6 school, sent the end of January of this year. When  
7 flies are covering two different huge glass doors  
8 leading into the entrance of our school, it's a  
9 frightening scene. The problem becomes a major concern  
10 for our student's safety and their health.

11           When you have 67 percent of those children, as  
12 I mentioned earlier, on the Cal Works program, and this  
13 may be the only meals that they will have Monday through  
14 Friday, you must be concerned.

15           For many, their parents depend on the Child  
16 Nutrition Services to accept the challenge of assuming  
17 and assuring that the children are fed. As innocent and  
18 creative as a child, is there a new game where our  
19 children -- I'm sorry.

20           As creative as children are, and I have middle  
21 schoolers, when they're reading their textbook this is  
22 another excuse to be off task. They have a new game,  
23 it's called, "Kill the fly if it lands on your  
24 textbook." So you hear them slamming their books and  
25 writing and making tally marks because of the

1 infestation. Our children deserve better.

2 BOARD CHAIR MOULTON-PATTERSON: Ms. Davis, I'm  
3 going to ask you to summarize at this time, please. I  
4 really appreciate, as I know the Board members do, you  
5 being here to represent the children, and we certainly  
6 will, when this item comes back, item number seven, we  
7 will note your concerns.

8 I'm surmising that you are opposed to item  
9 seven, an issuance of a new solid waste permit. And if  
10 you could just summarize for us, I would appreciate it.

11 MS. DAVIS: I would just like to end by saying  
12 our children are our most precious commodity. They are  
13 considered the gems of the world.

14 I'd just like to end by saying that I'd like to  
15 thank you for the unique opportunity to stand before you  
16 today to talk to you about the children and to just  
17 remind you again that all of the children are our  
18 children.

19 California, I've heard this morning, is a very  
20 diverse state in people, population, as well as all of  
21 the many geographical areas and the beauties of the  
22 state. But I would say, in all of that diversity there  
23 is one unique privilege that we all have, and that is  
24 there's only one race, it's called human. And I ask and  
25 I appeal that we remain humane for all our children.

1 Thank you very much.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
3 Davis.

4 Ms. Peace.

5 BOARD MEMBER PEACE: I just had a question, Ms.  
6 Davis.

7 BOARD CHAIR MOULTON-PATTERSON: Ms. Davis, Ms.  
8 Peace has a question for you.

9 COMMITTEE MEMBER PEACE: I just had a question.  
10 Did you just start to notice the fly problem in January  
11 of this year?

12 MS. DAVIS: Yes.

13 BOARD MEMBER PEACE: So there wasn't a fly  
14 problem before that?

15 MS. DAVIS: No, there wasn't.

16 BOARD MEMBER PEACE: And is it still a problem  
17 today as bad as it was in January? Has it gotten any  
18 better?

19 MR. DAVIS: It depends on the weather. Well,  
20 we're in the desert, so it does depend on the weather.  
21 The warmer it is we assume that more flies must be  
22 hatching. The downwinds definitely bring the odor. But  
23 definitely, yes, this time of year because it's still  
24 very hot.

25 COMMITTEE MEMBER PEACE: So it's still quite a



1 problem today?

2 MR. DAVIS: Yes, it is. We all have fly  
3 swatters, and we can't give them to the children because  
4 they'd have too much fun hitting each other because  
5 they're children.

6 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
7 you. Just a moment, Ms. Davis.

8 Mr. Paparian, did you have a question for Ms.  
9 Davis?

10 BOARD MEMBER PAPARIAN: Just a quick sort of  
11 observation?

12 BOARD CHAIR MOULTON-PATTERSON: Because we're  
13 not going to be opening this.

14 BOARD MEMBER PAPARIAN: I understand that, but  
15 just --

16 MS. DAVIS: Thank you.

17 BOARD MEMBER PAPARIAN: And I don't want to  
18 call Mr. Avera to the microphone, but behind you, the  
19 man in the blue shirt is in charge of enforcement  
20 related activities related to the facility, and I would  
21 just ask if you guys haven't gotten together, I would  
22 encourage that. And I'd encourage Mr. Avera to assure  
23 that whatever concerns exist at the school, that they be  
24 investigated so that when we do bring this item up we  
25 have the opportunity to ask for your observations as

1 well.

2 Thank you.

3 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
4 you very much.

5 MS. DAVIS: Thank you.

6 BOARD CHAIR MOULTON-PATTERSON: Ms. Peace.

7 BOARD MEMBER PEACE: I'm glad this item has  
8 been pulled, because I think there are still some  
9 unanswered questions.

10 What I would like to know, though, is I'd like  
11 to know more about the possible impacts of the dust from  
12 the composting facility on the power station. I mean  
13 could it really be the cause of a flashover? Is there  
14 -- I'd like to know is there some way to get a possible  
15 independent assessment of the effects of the dust on the  
16 power station?

17 BOARD CHAIR MOULTON-PATTERSON: Okay. So  
18 you're asking when this items comes before us that --

19 BOARD MEMBER PEACE: When it comes is it  
20 possible to have some sort of an independent  
21 assessment --

22 BOARD CHAIR MOULTON-PATTERSON: -- answers  
23 these questions?

24 Okay, Mr. Avera.

25 BOARD MEMBER PEACE: -- on the possible effects

1 of the dust, and could it really cause a flashover.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you.

3 Hopefully this question will be answered next month.

4 Okay. This takes us to number five which was

5 on our fiscal consent but is before the full Board.

6 Before we hear this item. Mr. Washington, did

7 you have a report from the Budget and Admin Committee?

8 Because I know that this was heard before.

9 BOARD MEMBER WASHINGTON: No.

10 BOARD CHAIR MOULTON-PATTERSON: Okay. Fine.

11 Number five, Mr. Levenson.

12 MR. LEVENSON: Madam Chair, agenda item five is

13 consideration of new sites for the solid waste disposal

14 and co-disposal site cleanup program. And as you noted,

15 this is on fiscal consent, so I will just make a very

16 short presentation.

17 Brad Williams from the cleanup program staff is

18 here to answer questions, and representatives from the

19 city of Clearlake are also here to express their

20 appreciation to the Board.

21 Basically this item involves two sites, the

22 Palo Corona Ranch refuse area in Monterey, which would,

23 when cleaned up, become a part of a very large regional

24 park, and we are recommending a Board managed cleanup of

25 \$150,000 with cost recovery waived.

1           And the second project is the city of Clearlake  
2 illegal disposal sites in Lake County. We're requesting  
3 \$492,800 for an illegal disposal site cleanup grant of  
4 some 41 sites as described in the item.

5           Unless there's any other questions I would  
6 recommend, staff recommends option number one and  
7 requests that the Board approve the adoption of  
8 Resolution 2003-467.

9           BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
10 you. We do have a speaker, and it's Mr. Bill Dunlavy  
11 from the city of Clearlake.

12          MR. DUNLAVY: Good morning, Madam Chair and  
13 members of the Board.

14          BOARD CHAIR MOULTON-PATTERSON: Good morning.

15          MR. DUNLAVY: My name is Bill Dunlavy, I am the  
16 senior code enforcement officer for the city of  
17 Clearlake, and the author of this grant.

18          On behalf of city administrator David Lane,  
19 police chief Robert chalk, my partner Jeannine Lowe, and  
20 the city of Clearlake, I'd like to personally thank the  
21 Board for your past and your ongoing support of our  
22 cleanup program. Without this support our program would  
23 not be where it is today. So we thank you very much.

24          BOARD CHAIR MOULTON-PATTERSON: Thank you for  
25 speaking to us.

1 Mr. Jones.

2 BOARD MEMBER JONES: Madam Chair, I'd like to  
3 move adoption of Resolution 2003-467, consideration of  
4 new sites for the solid waste disposal and co-disposal  
5 site cleanup program.

6 BOARD MEMBER PAPARIAN: Second.

7 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.  
8 Paparian, did you wish to make a comment before we voted  
9 on this?

10 BOARD MEMBER PAPARIAN: No, I was going to make  
11 the motion, it's okay.

12 BOARD CHAIR MOULTON-PATTERSON: I'm sorry, I  
13 apologize, Mr. Jones' light was on first.

14 Mr. Washington.

15 BOARD MEMBER WASHINGTON: I just wanted to ask  
16 Howard a question. In terms of the cost recovery, why  
17 was it waived for the Corona Ranch area?

18 MR. LEVENSON: Well this is a public project in  
19 which the Board would be going in and doing a Board  
20 managed cleanup project, and that's typical in our  
21 projects with such entities that we would waive cost  
22 recovery.

23 BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
24 a motion by Mr. Jones, seconded by Mr. Paparian to  
25 approve Resolution 2003-467.

1 Please call the roll.

2 BOARD SECRETARY WADDELL: Jones?

3 BOARD CHAIR JONES: Aye.

4 BOARD SECRETARY WADDELL: Medina?

5 BOARD MEMBER MEDINA: Aye.

6 BOARD SECRETARY WADDELL: Paparian?

7 BOARD MEMBER PAPARIAN: Aye.

8 BOARD SECRETARY WADDELL: Peace?

9 BOARD MEMBER PEACE: Aye.

10 BOARD SECRETARY WADDELL: Washington?

11 BOARD MEMBER WASHINGTON: Aye.

12 BOARD SECRETARY WADDELL: Moulton-Patterson?

13 BOARD CHAIR MOULTON-PATTERSON: Aye.

14 Okay. At this time I just wanted to get some  
15 input from my colleagues. We have four more items, do  
16 you wish to take a lunch break now or do you want to --  
17 I mean, I really don't know how long they're going to  
18 take, so how many would like to take lunch now?

19 How many want to keep going?

20 BOARD MEMBER PEACE: I think we should probably  
21 go ahead and take a lunch now.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. Great.  
23 I do want to say we're going to be doing our closed  
24 session after lunch, so we'll be back, we'll start  
25 promptly at 1:30. Or do you want 1:15 or 1:30? It's

1 very important that I give my Board members their lunch  
2 for my job security, and I like to too.

3 I did have something here I wanted to read. I  
4 said we're going to be talking about personnel in closed  
5 session. We also have to touch on litigation, and  
6 that's Government Code 11126(E.

7 And we'll be back at 1:30. Thank you.

8 (Thereupon the luncheon recess was taken.)

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1 AFTERNOON SESSION

2 --oOo--

3 COMMITTEE CHAIR PAPARIAN: I'd like to call the  
4 meeting back to order.

5 Mr. Jones, do you have any ex-partes?

6 BOARD MEMBER JONES: No.

7 BOARD CHAIR MOULTON-PATTERSON: Ms. Peace?

8 BOARD MEMBER PEACE: Yes, John Cupps regarding  
9 nursery products.

10 BOARD CHAIR MOULTON-PATTERSON: And I have  
11 none.

12 Mr. Medina?

13 BOARD MEMBER MEDINA: None to report.

14 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian?

15 BOARD MEMBER PAPARIAN: None.

16 BOARD CHAIR MOULTON-PATTERSON: Mr. Washington,  
17 any ex-partes?

18 BOARD MEMBER WASHINGTON: I have none.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.  
20 Washington has none.

21 Okay. We left off on -- number seven was  
22 pulled for this month.

23 And we're on number nine, consideration of a  
24 new full solid waste facilities permit for the Edom Hill  
25 Transfer Station, Riverside County.



1 And we do have a couple of speakers.

2 Who will be presenting this, Mr. Levenson?

3 MR. LEVENSON: Madam Chair, Willy Jenkins from  
4 the Permitting and Enforcement Division will be  
5 presenting this.

6 BOARD CHAIR MOULTON-PATTERSON: I'm sorry, I  
7 couldn't hear you, Mr. Levenson.

8 MR. LEVENSON: Willy Jenkins from Permitting  
9 and Enforcement.

10 BOARD CHAIR MOULTON-PATTERSON: Oh, okay. Mr.  
11 Jenkins.

12 MR. JENKINS: Good afternoon, Madam Chair and  
13 Board members. Also here for this item today is Laurie  
14 Holk of the Riverside County LEA, Paul Willman of Waste  
15 Management Incorporated, and Joe McCann, the general  
16 manager of the Riverside County Waste Management  
17 Department.

18 The proposed transfer station will be located  
19 on 8.4 acres within the Edom Hill landfill.

20 This landfill is due to close in 2004.

21 The landfill is owned by the Riverside County  
22 Waste Management Department, and Waste Management of the  
23 Desert will run or operate the facility.

24 When agenda item nine was presented at the P  
25 and E Committee, Board staff had not yet completed the

1 analysis of the proposed project.

2 Since October 6th, staff received additional  
3 clarifying information, and staff also met with the LEA,  
4 the owner, operator, county counsel, and Board legal  
5 staff regarding, on October 9th to discuss various CEQA  
6 documents.

7 As a result, the transfer processing report was  
8 revised, as was the permit, and you should have a new  
9 copy of the permit with you.

10 Changes to the permit included, on page one,  
11 hours of operation. That includes a reference to table  
12 one in the transfer processing report.

13 On page two there were revisions or additions  
14 to number 13, findings; number 14, prohibitions; and  
15 number 15, the list of documents.

16 And then on page four, 17E in the conditions  
17 was also revised.

18 After additional review of the CEQA documents  
19 and the clarifying information regarding the hours of  
20 operation and the associated activities, Board staff has  
21 determined that all the requirements of the new proposed  
22 permit have been fulfilled.

23 In conclusion, staff recommends the Board adopt  
24 Resolution number 2003-471, concurring with the issuance  
25 of solid waste facility permit number 33AA0296.

1           This concludes staff's presentation. I am able  
2 to answer any questions.

3           BOARD CHAIR MOULTON-PATTERSON: Ms. Peace.

4           BOARD MEMBER PEACE: I didn't have any  
5 questions. But this item was moved to the full Board  
6 because last week at the P and E Committee staff had not  
7 yet completed their review of the CEQA record. I  
8 realize that the LEA does review the CEQA record as part  
9 of their permit process, but an LEA can have a different  
10 interpretation than our staff.

11           Under CEQA law it is the Board's job to  
12 maintain consistency with the CEQA analysis for the  
13 project. And I want to thank staff for being so  
14 thorough. I believe it's important that staff should  
15 want to carefully review the LEA's CEQA analysis as we  
16 are the responsible agency.

17           BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
18 Peace.

19           And it's my understanding that Mr. McCann and  
20 Ms. Holk just are here for questions, is that right, or  
21 did they wish to speak?

22           MR. JENKINS: I think Mr. McCann would like to  
23 speak.

24           BOARD CHAIR MOULTON-PATTERSON: Okay, Mr.  
25 McCann.

1 MR. MC CANN: Yes.

2 BOARD CHAIR MOULTON-PATTERSON: Joseph McCann,  
3 Riverside County Waste Management Department.

4 MR. MC CANN: Yes.

5 BOARD CHAIR MOULTON-PATTERSON: Good afternoon.

6 MR. MC CANN: Thank you, Madam Chair and the  
7 members of the Board. My name is Joe McCann, and I'm  
8 the general manager, chief engineer for the Riverside  
9 County Waste Management Department. I just have a few  
10 brief comments.

11 I have responsibility for managing the waste  
12 disposal operations at all seven of our publicly  
13 operated landfill facilities, and contract oversight for  
14 one private landfill. Together our system takes in over  
15 6,000 tons of county waste per day.

16 I am here today as the owner of the property to  
17 request that you concur on the issuance of the Edom Hill  
18 Transfer Station permit.

19 One important and unequivocal fact is that in  
20 July of next year we will have to close the Edom Hill  
21 Landfill, one of our major facilities just north of  
22 Cathedral City in the western Coachella Valley. That  
23 one facility takes in approximately 25 percent of our  
24 overall county's trash, and one hundred percent of the  
25 Coachella Valley's waste stream.

1           What is on your agenda today for permit  
2 approval is the only project that can be ready in time  
3 to meet this critical need for the citizens of Riverside  
4 County, and I urge you to concur in its issuance.

5           No other project to address disposal needs and  
6 values coming forward pursued a more exhaustive public  
7 review process or can meet the demanding timeframes for  
8 completion.

9           I just wanted to take the opportunity to thank  
10 Board staff in working with us up to this time, and I  
11 did submit a letter to help clarify for the record the  
12 project description, which I believe we've already  
13 transmitted to Board staff.

14           And just reiterate, we are available, Riverside  
15 County is the landowner and WMI was the selected vendor  
16 as the operator, and we will remain available for any  
17 questions.

18           Thank you.

19           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
20 McCann.

21           Mr. Medina.

22           BOARD MEMBER MEDINA: Madam Chair, if there's  
23 no further questions or discussion on this item I'd like  
24 to move Resolution 2003-471, consideration of a new full  
25 solid waste facilities permit transfer processing

1 station for the Edom Hill Transfer Station, Riverside  
2 County.

3 BOARD MEMBER PEACE: Second.

4 BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
5 a motion by Mr. Medina, seconded by Ms. Peace to approve  
6 Resolution 2003-471.

7 Without objection, please substitute the  
8 previous roll call.

9 This brings us to number ten.

10 BOARD MEMBER WASHINGTON: Madam Chair.

11 BOARD CHAIR MOULTON-PATTERSON: Yes.

12 BOARD MEMBER WASHINGTON: Before you go to item  
13 ten, can I ex-parte Anthony Thomas who I was just  
14 speaking with?

15 BOARD CHAIR MOULTON-PATTERSON: Certainly.

16 BOARD MEMBER WASHINGTON: He's the leg  
17 representative for the mayor of Los Angeles, Jim Hahn,  
18 and he was talking about the nursery product.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
20 you, Mr. Washington. So noted.

21 Okay. So we have all ayes.

22 Number ten, Mr. Levenson.

23 MR. LEVENSON: Yes, Madam Chair. Item ten is  
24 consideration of a revised full solid waste facilities  
25 permit disposal facility for the Bass Hill Landfill,

1 Lassen County.

2 And John Whitehill from Permitting and  
3 Enforcement will be making this presentation.

4 MR. WHITEHILL: Good afternoon, Madam Chair,  
5 Board members.

6 Bass Hill Landfill is located eight miles south  
7 of Susanville near Highway 395.

8 The facility is owned by Lassen County, and  
9 it's operated by the Lassen Regional Solid Waste  
10 Management Authority.

11 The revised permit addresses the following  
12 changes:

13 A change in permitted daily tonnage.

14 A change in the permitted hours and days of  
15 operation.

16 Implementation of a site specific litter  
17 control mitigation measures.

18 An updated estimate of the closure date.

19 And it contains, for the first time, specific  
20 Subtitle D size for the disposal footprint, and a final  
21 height for the landfill.

22 Public Resources Code Section 44014(b) states  
23 that,

24 "The permit shall contain all terms  
25 and conditions which the enforcement

1           agency determines to be appropriate for  
2           the operation of the solid waste  
3           facility."

4           In this case, rather than specifying a  
5   permitted peak tonnage, the LEA has proposed to instead  
6   specify in the permit that the landfill can only accept  
7   material generated in Lassen County, and this is what  
8   generated some discussion at the committee meeting.

9           The condition in the permit states that,  
10           "Only Lassen County and City of  
11           Susanville wastes are permitted at the  
12           landfill. The landfill can handle any  
13           volume of waste that could be generated  
14           within the county."

15           The permit also references other conditioning  
16   documents that describe the current and historic tonnage  
17   at the landfill.

18           The LEA, acting as lead agency on this project,  
19   also addressed the tonnage in their prepared CEQA  
20   document.

21           So Board staff have determined that all the  
22   requirements for the proposed permit have been  
23   fulfilled, and staff recommend that the Board adopt  
24   Board Resolution number 2003-472 concurring in the  
25   issuance of solid waste facility permit number 18AA0009.



1 Ernie Genter representing the LEA is here to  
2 answer questions, and so is the operator, Tom Valentino.

3 Thank you.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you.

5 Ms. Peace.

6 BOARD MEMBER PEACE: Yes. Even though I voted  
7 for this item initially, I pulled it from the consent  
8 because I was increasingly troubled by the fact that  
9 every other permit that I've seen had a tonnage limit,  
10 and that we use that number a great deal to compare  
11 changes from one revision to the next, compare waste  
12 flows, and decide a variety of CEQA and minimum standard  
13 compliance issues.

14 Because the tonnage limit must be in the permit  
15 application, I believe it should also be in the permit  
16 itself.

17 Mr. Bledsoe, would you have some comments to  
18 make in regards to what you found out?

19 ACTING CHIEF LEGAL COUNSEL BLEDSOE: Yes, thank  
20 you, Ms. Peace.

21 We've taken a look at that particular issue,  
22 but I believe from my discussions with staff earlier  
23 this morning that the matter has been resolved.

24 I believe that the operator has -- pardon me --  
25 that the LEA has specified that there is a particular

1 tonnage limit that applies in this permit which, if  
2 that's true, will erase the confusion that came up last  
3 week.

4 MR. DE BIE: And Mark de Bie with Permitting  
5 and Inspection, and I wanted to confirm that.

6 John indicated that there are references in the  
7 permit, specific references to documents, and so we've  
8 talked with the LEA about how, you know, we should view  
9 those references and the information in that.

10 And we came to a common agreement that in  
11 making references to those documents and the various  
12 descriptions, that there is a firm limit that is to be  
13 imposed, and that is quite enforceable for this  
14 facility.

15 And to be specific, the facility will be  
16 operating at a limit of no more than 720 tons of  
17 material through the gate at any one time, and of that  
18 only 300 tons will be allowed for disposal per day.

19 So there is a firm limit, it's just not  
20 specifically expressed in the permit, but it is an  
21 enforceable limit, and it is contained in the permit  
22 through referencing the various documents.

23 COMMITTEE MEMBER PEACE: So did they revise  
24 their permit then to include that?

25 MR. DE BIE: They did not revise it, but we got

1 clarity in talking with the LEA about how we should view  
2 the references in the permit relative to the tonnage  
3 limit.

4 And the result was there is a firm limit, it's  
5 an enforceable limit, and it is 720 through the gate,  
6 and 300 disposal per day.

7 BOARD MEMBER PEACE: So what's the big problem  
8 with actually putting it in the permit?

9 MR. DE BIE: It's the LEA's --

10 BOARD MEMBER PEACE: It would make it even more  
11 clear.

12 MR. DE BIE: The LEA has the ability to write  
13 the permit in the fashion that they see fit, and staff  
14 assess those permits to ensure that they do meet the  
15 standards.

16 It does not, and I think counsel will agree  
17 that it's not specifically stated in the Board standard  
18 that tonnage must be included, it is implicit, and we  
19 agree, staff does agree that it is implicit, and so we  
20 do look for that in permits. But how it's expressed is  
21 not delineated specifically in regulation.

22 And I think there is a need, and I think staff  
23 will agree with me, and I think counsel does too, that  
24 there may be a need to look at the regulations to affirm  
25 more specifically what the expectations of the Board are

1 relative to tonnage.

2           So certainly we can look to revising the  
3 regulations to be very clear that tonnage needs to be  
4 expressed, and be very specific on how it should be  
5 expressed, and that would be through a regulatory  
6 process where all the stakeholders would be able to  
7 voice their opinion on what that should look like and  
8 the various issues associated with that.

9           COMMITTEE MEMBER PEACE: Yeah, that would  
10 definitely be my desire to open up the regulations and  
11 make it clear that the tonnage should be in the permit  
12 so all our permits, you know, look the same and  
13 everything is consistent.

14           BOARD CHAIR MOULTON-PATTERSON: I think that's  
15 a good point. Thank you.

16           Mr. Washington.

17           BOARD MEMBER WASHINGTON: Yeah, I turned my  
18 speaker request off because I thought Mark had answered  
19 the question.

20           But now the LEA, I understand, suggested that  
21 he didn't have to put a tonnage in there because CEQA  
22 doesn't require it, is that correct?

23           MR. DE BIE: No, the LEA did indicate --

24           BOARD MEMBER WASHINGTON: He didn't propose a  
25 tonnage based on his observation of CEQA and what CEQA

1 requires?

2 MR. DE BIE: My recollection was the LEA did  
3 indicate that there was no specific requirement in  
4 regulation that required him to put in a tonnage limit  
5 in the permit.

6 And so we've talked with the LEA about the  
7 regulation that implies that they need to have a tonnage  
8 limit in there when we agree that it is not specific.

9 I don't recall him utilizing a CEQA argument in  
10 that fashion. He did mention CEQA as supporting, you  
11 know, a limit, and that's the limit that, you know, that  
12 we've decided, you know, is the limit for the site, the  
13 300 and the 720 is a CEQA limit, basically a number that  
14 was used in the CEQA documentation.

15 BOARD MEMBER WASHINGTON: Thank you.

16 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

17 BOARD MEMBER PAPARIAN: So what would happen  
18 then if 350 tons came in for disposal? Would that be a,  
19 that would be a violation of what? It wouldn't be a  
20 violation of the permit, it's not in the permit?

21 MR. DE BIE: Staff would read that as a  
22 violation under the permit.

23 BOARD MEMBER PAPARIAN: Because the permit  
24 refers to the other document?

25 MR. DE BIE: Right. It's an enforceable limit.

1 BOARD MEMBER PAPARIAN: Okay. Is there other  
2 stuff in that other document that we ought to know  
3 about?

4 MR. DE BIE: In terms of restrictions or limits  
5 and those sorts of things?

6 BOARD MEMBER PAPARIAN: Uh-huh.

7 MR. DE BIE: I think there's a reference, and I  
8 won't scratch my head now, but I think there's a  
9 reference to vehicles and those sorts of things. All of  
10 those would factor into conditioning, to some extent,  
11 the permit.

12 BOARD MEMBER PAPARIAN: Can, getting back to  
13 the more general question, you said that we may need  
14 some changes in regulation in order to assure that it's  
15 absolutely clear that tonnage limits ought to be in  
16 permits. I would certainly agree with that and  
17 encourage us moving in that direction.

18 I'm wondering also if we ought to advise the  
19 LEAs that it is our strong desire and preference that  
20 they include tonnage limits at this point in time until  
21 it's absolutely certain in the regulations.

22 BOARD CHAIR MOULTON-PATTERSON: I think that's  
23 a good idea, I see people shaking heads.

24 MR. DE BIE: And what we would be seeking in  
25 regulation is to clarify specifically how those tonnage

1 limits should be expressed. You know, clarifying, you  
2 know, what's acceptable and what's not acceptable so  
3 that we avoid a situation where there's sort of a  
4 reference but it's not specifically stated, those sorts  
5 of things.

6 Yes, we will reiterate the Board's wish to have  
7 a tonnage limit, and then we'll look towards regulation  
8 to specify, you know, what specifically it should look  
9 like.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
11 de Bie.

12 We have Mr. Jones, and then Mr. Medina.

13 BOARD MEMBER JONES: Thanks, Madam Chair.

14 I have a question for the LEA based on  
15 something that you had just said, Mr. De Bie.

16 MR. GENTER: Hello, my name is Ernie Genter,  
17 I'm the LEA for Lassen County.

18 BOARD MEMBER JONES: Mr. Genter, the references  
19 to either vehicles or tonnage limits or what could come  
20 in the gate as ADC and garbage, are they contained in  
21 the joint technical document?

22 MR. GENTER: Yes, I think so from what I  
23 recall. They are definitely discussed in the CEQA  
24 document.

25 BOARD MEMBER JONES: Okay. But are they part

1 of the JTD?

2 MR. GENTER: Yeah.

3 BOARD MEMBER JONES: The condition number 14,  
4 the following list of some of the other permits and  
5 other necessary documents for the facility which the LEA  
6 has reviewed and considered prior to writing the permit,  
7 it says,

8 "These documents in no way  
9 condition the facility under the solid  
10 waste facility permit unless otherwise  
11 stated in the LEA condition portion of  
12 this permit."

13 You've identified all of the documents that  
14 really are the basis for this three or four pieces of  
15 paper. There's, you haven't excluded any of those  
16 things as conditioning, right?

17 MR. GENTER: Well, other than what it says  
18 above that. But in the monitoring requirements and  
19 conditions I've referenced the CEQA documents  
20 specifically.

21 BOARD MEMBER JONES: Okay. Because I think  
22 it's important that this, these six pieces of paper that  
23 are permit are only the cover basically of a joint  
24 technical document, and all of the other supporting  
25 documentations that are really the permit for the



1 facility, correct?

2 MR. GENTER: Yes, I would agree.

3 BOARD MEMBER JONES: Mr. de Bie, would you  
4 agree with that?

5 MR. DE BIE: Yes, I would agree.

6 BOARD MEMBER JONES: Okay. I think it's  
7 important for clarity that landfills are not run by  
8 these five pieces of paper, they're run by that entire  
9 documentation that supports it.

10 My concern was that Mr. Genter did not list any  
11 of these documents as not being conditioning, you know.  
12 Because I think it's important, I think the Board  
13 members are right in making sure that there's a limit,  
14 but the limit is in the entirety of the documentation,  
15 not just those pieces of paper.

16 And as long as you haven't excluded that as  
17 being a conditioning document, then it is, it is a  
18 limiting condition.

19 So you've told me you haven't limited it or you  
20 haven't excluded it, which tells me that it's, it's,  
21 it's what an LEA has to look at to see if the facility  
22 is operating correctly.

23 So I think that should appease some of these  
24 folks that it's not just these five pieces of paper,  
25 it's the twelve inches of documents that condition these

1 things.

2 BOARD CHAIR MOULTON-PATTERSON: Okay, Mr.  
3 Medina.

4 COMMITTEE MEMBER MEDINA: Thank you, Madam  
5 Chair.

6 In the information provided it says that the  
7 two other active landfills in Lassen County supposedly  
8 have a combined average of eight tons per day. Is that  
9 because their capacity is limited, or is that because  
10 they're being closed? Or what's the reason that they  
11 can only take a combined average of eight tons?

12 MR. JENKINS: I think that's the actual number  
13 that they are receiving. They're permitted to take more  
14 than that, both of them. But one of them serves a small  
15 community and area of Lassen County, Westwood area, and  
16 it may be closing in, sometime in the not too far  
17 future.

18 The other landfill is the Sierra Army Depot  
19 Landfill that serves just the depot, no outside waste  
20 comes into it. And then it has, I think, it's permitted  
21 quite a bit higher than what they're actually  
22 receiving.

23 COMMITTEE MEMBER MEDINA: The second concern  
24 was that ever since that we put compliance history on  
25 these forms, this has one of the worst compliance

1 histories of any that I've seen.

2 I know that in the last few years it has  
3 improved, if you would call that an improvement given  
4 you still have state minimum standards violations and  
5 terms of conditions compared to '98 to 2001, 2002, and  
6 2003 are better, but what steps are being taken to  
7 ensure that the compliance history does improve?

8 MR. GENTER: A good number of those violations  
9 were the document and this permit issues. And so those  
10 have been taken care of and will not show up again.  
11 They have had difficulties with litter, and that's why  
12 the mitigation monitoring plan to address litter, and  
13 those have been the main violations.

14 BOARD MEMBER MEDINA: And the issues were on  
15 the daily cover?

16 MR. GENTER: That was mostly several years  
17 back, and they're having some difficulties basically  
18 committing to the issue and the need. But they have  
19 since bought several automatic tarp laying pieces of  
20 machinery and tarps that they use, and they are  
21 utilizing ash and inert material for alternative daily  
22 covers also.

23 So they have been in substantial compliance  
24 with that over the last several years.

25 COMMITTEE MEMBER MEDINA: No further questions.

1 BOARD CHAIR MOULTON-PATTERSON: Okay. Do we  
2 have a -- I don't see any other questions, do we have a  
3 motion?

4 Mr. Jones.

5 BOARD MEMBER JONES: Madam Chair, I'll move  
6 adoption of Resolution 2003-472, consideration of a  
7 revised full solid waste facilities permit disposal  
8 facility for the Bass Hill Landfill in Lassen County.

9 BOARD CHAIR MOULTON-PATTERSON: I'll second it.

10 So we have a motion by Jones, seconded by  
11 Moulton-Patterson to approve Resolution 2003-472.

12 Without objection, please substitute the  
13 previous roll call.

14 This takes us to number 14, consideration of  
15 the adoption of a -- excuse me, Ms. Peace.

16 BOARD MEMBER PEACE: Call the roll.

17 BOARD CHAIR MOULTON-PATTERSON: Oh, okay.

18 Let's go back to that, I'm sorry, I jumped to a  
19 conclusion I shouldn't have.

20 Please call the roll on the motion to approve  
21 Resolution 2003-472 on the Bass Hill Landfill.

22 BOARD SECRETARY WADDELL: Jones?

23 BOARD CHAIR JONES: Aye.

24 BOARD SECRETARY WADDELL: Medina?

25 BOARD MEMBER MEDINA: Aye.

1 BOARD SECRETARY WADDELL: Paparian?

2 BOARD MEMBER PAPARIAN: Aye.

3 BOARD SECRETARY WADDELL: Peace?

4 BOARD MEMBER PEACE: No.

5 BOARD SECRETARY WADDELL: Washington?

6 BOARD MEMBER WASHINGTON: Aye.

7 BOARD SECRETARY WADDELL: Moulton-Patterson?

8 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay.

9 That brings us to number 14, adoption of a negative  
10 declaration and proposed regulations for the revised  
11 alternative daily cover regulatory requirements.

12 Mr. Levenson.

13 MR. LEVENSON: Madam Chair, we're very pleased  
14 to be at this point on the ADC regulations, and Reinhard  
15 Hohlwein will be making the presentation.

16 Before Reinhard gets started, I did want to  
17 note that we will require two different motions and  
18 approvals of two resolutions when we get to that point.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
20 you. And I just wanted to say what a great job I think  
21 staff has done on this. Thank you.

22 MR. HOHLWEIN: Thank you. Good day, Board  
23 members. Reinhard Hohlwein from the Permitting and  
24 Inspections Branch.

25 Today's item regards request for consideration

1 of adoption of a negative declaration for the proposed  
2 revised alternative daily cover regulations package as  
3 well as a request for approval of the proposed  
4 regulations themselves.

5           Staff have reviewed the comments, met with  
6 stakeholders, noted appropriate concerns, and revised  
7 appropriate, the proposed regulations as deemed  
8 necessary.

9           As a result of analyzing the comments received  
10 during this last comment period, Board staff, in  
11 consultation with the legal office, recommend some  
12 clarifying changes. The legal office considers these  
13 changes to be clarifying by definition and not  
14 substantive. Therefore, with your adoption of the  
15 revised text, an additional fifteen day comment period  
16 would not be necessary. These changes need to be  
17 entered into the record to acknowledge the revised text.

18           With regard to the wording in Section 200 --  
19 20690, subsection four, staff recommend that, quote,  
20 "Whenever an EA determines that an application of ADC is  
21 not meeting the requirement of this standard," end of  
22 quote, be changed to, quote, "Not meeting the  
23 requirement of this section," unquote.

24           This language clarifies that EAs are  
25 responsible for evaluating ADC in the field on a site

1 specific basis to ensure that any given ADC is  
2 performing as an adequate substitute for soil as is  
3 intended by the regulations.

4 With regard to the wording in section 20690,  
5 subsection seven, staff recommend that, quote, "Should  
6 the CIWMB determine, after consulting with the EA, that  
7 an owner or operator violated the standard," unquote,  
8 should be changed to, quote, "Should the CIWMB determine  
9 after consulting with the EA that an owner or operator  
10 violated this subsection," unquote.

11 This particular subsection clarifies that it is  
12 the Board and not the LEAs that will determine any  
13 possible cases of overuse of ADC, and refer any such  
14 cases to the Board of Equalization as necessary.

15 Making these changes should satisfy the  
16 comments received asking for clarification of the roles  
17 of the EA and the Board when evaluating ADC, and should  
18 not trigger a need to recirculate the regulations for an  
19 additional comment period.

20 We have analyzed the comments received, are  
21 comfortable that we have worked with the interested  
22 parties to reach resolution on the issues resolved. We  
23 have identified no significant issues that have not been  
24 resolved for the purposes of supporting the negative  
25 declaration as well as the revised regulations.

1           No comments have been regarding the negative  
2 declaration itself. That comment period ended today, is  
3 that correct?

4           We are seeking your approval of Resolution  
5 2003-475, granting adoption of the negative declaration  
6 for the rulemaking that accompanies the regulations  
7 package.

8           We are also requesting your approval of  
9 Resolution 2003-476, granting adoption of these revised  
10 regulations as modified with the clarifying language as  
11 noted above.

12           That concludes my presentation. I'll answer  
13 any questions that you might have.

14           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
15 Hart. We have a speaker, Scott Smithline, Californians  
16 Against Waste.

17           Good afternoon.

18           MR. SMITHLINE: Good afternoon, Madam Chair,  
19 Board members. My name is Scott Smithline, I'm with  
20 Californians Against Waste.

21           Three brief comments I'd like to make. Thank  
22 you for the opportunity to testify in these regulations.  
23 Californians Against Waste has submitted comments  
24 through the course of this, so I'll make my comments  
25 brief.



1           The first comment is that Californians Against  
2 Waste has been and continues to be in opposition to the  
3 granting of unlimited diversion credit for the use of  
4 waste material as ADC.

5           If there ever was a time when there was a  
6 reason for doing this, we think it's past, and we  
7 believe the Board retains the authority to limit the  
8 circumstances under which ADC is granted diversion  
9 credit.

10          Our second concern has to do with air  
11 emissions. We're specifically concerned with the use of  
12 waste materials as ADC that have the potential to emit  
13 VOC's or ammonia. The South Coast Air Quality District  
14 has recognized that these materials associated with  
15 green waste processing have the potential to  
16 significantly impair their airshed, and are subsequently  
17 taking actions in the form of adopting regulations to  
18 modify how they're handling green waste processing in  
19 the South Coast.

20          We think that this is a statewide issue. And  
21 to ensure that these regulations were properly  
22 protective, we have submitted, in written form, comments  
23 with the additional language which obviously was not  
24 adopted, so I won't repeat it here.

25          Basically it requested that no material be used

1 for ADC with the potential to emit VOC's until such time  
2 as the operator or owner of the facility received  
3 express authorization from the Air or Waste Management  
4 District, the relevant district, and has submitted that  
5 to this Board.

6 We think the failure of these regs to even  
7 acknowledge that there may be significant and harmful  
8 air emissions associated with green waste as ADC,  
9 impairs the Board's ability to effectively and  
10 efficiently deal with this in the future.

11 And our final concern has to do with the abuse  
12 of ADC. While we appreciate the clarifications that  
13 have been made, we still think that these guidelines do  
14 not effectively provide for the oversight, either by the  
15 Waste Board or by the local enforcement agencies, to  
16 account for or to ensure the effectiveness of the use of  
17 ADC, or account for any overuse of ADC.

18 Essentially, without stronger enforcement and  
19 oversight, specifically without the issuance of any  
20 penalties for the overuse of ADC, we think that there's  
21 an overwhelming incentive for overuse due to the fact  
22 that diversion credit is being issued, due to the fact  
23 that there is an exemption from the tipping fees, the  
24 incentive is too great.

25 We think that ADC is an extremely important

1 issue, and we strongly urge you to reconsider these  
2 issues.

3 Thank you.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
5 Smithline.

6 Mr. Paparian.

7 BOARD MEMBER PAPARIAN: I'm wondering if staff  
8 wants to respond. Those are some pretty strong comments  
9 that really didn't come up in our discussion at the  
10 committee level.

11 MR. LEVENSON: Mr. Smithline raised three  
12 issues, Mr. Paparian.

13 Regarding the unlimited diversion credit for  
14 ADC. As you know, that is something that is outlined in  
15 statute. AB 1647 of several years ago addressed the  
16 diversion credit issue, and these regulations concerning  
17 the technical requirements for ADC use and, as such,  
18 it's our responsibility and the LEA's responsibility to  
19 make sure that ADC use meets those requirements. But  
20 we're not addressing the diversion credit issue via  
21 these regulations.

22 Secondly, regarding volatile organic chemical  
23 or ammonia emissions. We have not seen any information  
24 or any studies that indicate that the use of ADC is  
25 contributing VOC's or ammonia or other emissions in any

1 excess amount that would, that, for example, the South  
2 Coast AQMD might consider is harmful to attainment goals  
3 in the L.A. Basin.

4           So that's something that we would certainly  
5 welcome additional information on. If the AQMD does  
6 some studies, we'd certainly bring that back to you and  
7 seek your guidance on that.

8           But at this point it's a comment that came in  
9 late in the regulatory period, I believe. It was, it's  
10 outside the scope of these regulations without  
11 additional information, in my opinion.

12           Let's see, the third issue was that the  
13 guidelines would not prevent overuse, especially without  
14 further enforcement penalties. And certainly we expect  
15 there to be enforcement of these regulations by the LEAs  
16 and by our staff going out and making inspections.

17           So I think that that's always been the case  
18 with ADC that it's incumbent upon us to have proper  
19 enforcement actions, and I don't see that that's changed  
20 by these regulations one way or the other.

21           Mark, I don't know if you want to add anything  
22 to that?

23           MR. DE BIE: Just to add to the last point,  
24 Howard. Mark de Bie with Permitting and Inspection.

25           Enforcement would be two-fold. One, the

1 monthly inspection or more frequently sometimes of the  
2 LEA going out and observing the actual placement of ADC  
3 and determining that it's compliant with the  
4 requirements on maximum or minimum amounts. So that's  
5 one aspect.

6           If there is evidence through that effort that  
7 indicates that material is being used in excess, then it  
8 would be incumbent on Board and Board staff to  
9 investigate that to determine whether that material was  
10 reported as ADC or it was reported as disposed as it  
11 should have been, the excess material.

12           And if it was found to be inappropriately  
13 reported, then the outcome would be to, you know, modify  
14 that report and potentially pay whatever fee is  
15 required.

16           And I think Mr. Smithline was indicating that  
17 perhaps there should be some penalties associated with a  
18 situation that was determined to be, you know,  
19 misreporting. And I think that would be better suited  
20 not in this reg package, but in a package like the  
21 disposal reporting requirements that speaks directly to  
22 reporting requirements and how those requirements should  
23 be enforced.

24           BOARD MEMBER PAPARIAN: So on the first  
25 question, the big question about limiting ADC use and

1 how much diversion credit would be possible, what you  
2 were saying on that is that we are legally constrained,  
3 we can't do that?

4 MR. LEVENSON: AB 1647 long ago, and I don't  
5 have that in front of me, but it spoke to the issue of  
6 diversion credit for ADC. And these regulations were  
7 promulgated or revised pursuant to 1647 regarding the  
8 technical aspects of ADC use and did not speak to the  
9 diversion credit issue itself.

10 BOARD MEMBER PAPARIAN: Would those be handled  
11 in the diversion regs? No?

12 MR. SCHIAVO: I just wanted to mention -- Pat  
13 Schiavo, Diversion, Planning, and Local Assistance  
14 Division.

15 On an ongoing basis when we started this about  
16 two years ago we monitored the amount of ADC to the  
17 total amount of disposal for all of the sites in  
18 California. It was about, I think it was about two  
19 years ago, it was in August that we came forward to the  
20 Board with what we thought may be a lot of overuse  
21 because we noted spikes in diversion, actually it was in  
22 the year, reporting for the year 2000, and we noticed  
23 this in 2001.

24 So we coordinated with staff from P&E and we  
25 went out in the field jointly to monitor the situation.

1 We brought forward an item to the Board informing the  
2 Board members of what we found. And as a result of that  
3 we did find one case of overuse in San Bernardino  
4 County.

5 Since that time we've been following up  
6 periodically whenever we see any spikes. We've brought  
7 forward an item to the Board a few months ago, it was  
8 February, about six months ago, also indicating the  
9 status of what was taking place.

10 So what we do is we coordinate by, with P&E  
11 staff by looking at the quantities, the relative  
12 percentages, and looking for spikes. Also we go out on  
13 unannounced site visits to disposal facilities. And if  
14 we just happen to observe something we'll let P&E staff  
15 know, and then they follow up from a technical  
16 perspective. So we look at it two different ways, but  
17 we do monitor that.

18 BOARD MEMBER PAPARIAN: But could we -- again,  
19 could we if we wanted to limit it?

20 MR. LEVENSON: Mr. Paparian, I'll probably have  
21 to defer to someone else for a more detailed past  
22 history.

23 But years ago the Board did try to create a cap  
24 on the amount of ADC that could be allowed to be claimed  
25 by a local jurisdiction for diversion credit, that was

1 the seven percent solution.

2 That was, I believe it was either kicked out by  
3 OAL or was defeated in the NRDC brought a law. So that  
4 was not allowed by OAL, and that led to the genesis of  
5 AB 1647 which did state that ADC, subject to technical  
6 limitations, could be used at a landfill and count for  
7 diversion credit.

8 So we are statutorily constrained on that  
9 issue.

10 BOARD MEMBER PAPARIAN: Okay.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any  
12 other questions? Do we have some motions?

13 Mr. Jones.

14 BOARD MEMBER JONES: Madam Chair, I'll move  
15 adoption of Resolution 2003-475, consideration of the  
16 adoption of a negative declaration, state clearinghouse  
17 number 2003092012 for the proposed regulations for the  
18 alternative daily cover requirements.

19 BOARD MEMBER PEACE: Second.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. We have  
21 a motion by Mr. Jones, seconded by Ms. Peace to approve  
22 Resolution 2003-475.

23 Please call the roll.

24 BOARD SECRETARY WADDELL: Jones?

25 BOARD CHAIR JONES: Aye.



1 BOARD SECRETARY WADDELL: Medina?

2 BOARD MEMBER MEDINA: Aye.

3 BOARD SECRETARY WADDELL: Paparian?

4 BOARD MEMBER PAPARIAN: Aye.

5 BOARD SECRETARY WADDELL: Peace?

6 BOARD MEMBER PEACE: Aye.

7 BOARD SECRETARY WADDELL: Washington?

8 BOARD MEMBER WASHINGTON: Aye.

9 BOARD SECRETARY WADDELL: Moulton-Patterson?

10 BOARD CHAIR MOULTON-PATTERSON: Aye.

11 BOARD MEMBER JONES: Madam Chair.

12 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: I'd like to move adoption  
14 of Resolution 2003-476, consideration of the adoption of  
15 the proposed regulations for the alternative daily cover  
16 requirements.

17 BOARD MEMBER PEACE: Second.

18 BOARD CHAIR MOULTON-PATTERSON: We have a  
19 motion by Mr. Jones, seconded by Ms. Peace to approve  
20 Resolution 2003-476.

21 Please substitute the following roll call  
22 without objection.

23 Seeing none, we go to our last item which is --  
24 well, first of all, we're going to a new area,  
25 sustainability and market development.

1 BOARD MEMBER PEACE: Madam Chair, excuse me.

2 BOARD CHAIR MOULTON-PATTERSON: Oh, I'm so  
3 sorry.

4 COMMITTEE MEMBER PEACE: Before we move onto  
5 the next area, I just want to make sure again that the  
6 regulations regarding what is and isn't required in a  
7 permit as it relates to tonnage and traffic limits be  
8 clarified for all future permits.

9 And I was just wondering, Mr. de Bie, when will  
10 you be able to do that?

11 MR. LEVENSON: Ms. Peace, I'd like to answer  
12 that.

13 We have a number of different regulatory issues  
14 that are before staff, some of which will be considered  
15 in the workshops that we mentioned earlier, for example  
16 the CDI regulations. We have AB 1497, and its  
17 requirements regarding public noticing and some permit  
18 issues. And there are a number of other permits issues  
19 that staff have brought to my attention over time.

20 So we need to work internally to decide and  
21 bring to you some kind of schedule as to what could be  
22 taken up when, which things could be put together most  
23 efficiently, and then we have to work with our legal  
24 counsel to get that onto the 2004 rulemaking calendar.

25 So if I can, if you'll bear with me for a

1 little while I don't want to make a specific commitment  
2 now, because we kind of need to get all those things on  
3 the table and see how we can respond to that.

4 But we hear the Board's direction to deal with  
5 that issue and return to you, and we will.

6 BOARD MEMBER PEACE: Okay. Just make sure you  
7 add that to your list.

8 MR. LEVENSON: It's on there.

9 MR. DE BIE: If I may, Howard, not to speak out  
10 of turn, but I've just consulted quickly with counsel  
11 and there is existing guidance on, to LEAs on how to  
12 write a permit. So essentially in the interim we could  
13 look at that guidance and clarify what we've heard today  
14 of the expectation of many of the Board members in terms  
15 of what they want to see in permits.

16 So we could fill the gap with revision to that  
17 guidance document until we are able to schedule a reg  
18 package.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
20 you.

21 ACTING CHIEF LEGAL COUNSEL BLEDSOE: Madam  
22 Chair, excuse me, one moment.

23 Ms. Peace, there will be a rulemaking calendar  
24 coming out around the end of the year or the beginning  
25 of next year, so we can see, you know, specifically on

1 that rulemaking calendar where those items would be.

2 BOARD CHAIR MOULTON-PATTERSON: Okay, thank  
3 you.

4 So I'd like to now call on Mr. Jones, the Chair  
5 of the Sustainability and Market Development Committee.

6 BOARD MEMBER JONES: Thanks, Madam Chair. We  
7 had a quick meeting, we did five items. We had  
8 discussions on the RMDZ zone regs.

9 We had a good workshop on conformance findings  
10 as far as location and siting elements.

11 We put a couple of items on consent.

12 We're going to hear a lone application that  
13 went through our committee and recommended fiscal  
14 consensus, and that was it.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
16 you. So that brings us to item fifteen which is on  
17 fiscal consensus.

18 Ms. Wohl.

19 MS. WOHL: Good afternoon, Madam Chair, Board  
20 members.

21 Agenda item fifteen is consideration of the  
22 recycling market development revolving loan program  
23 application for Envision Plastics Industries, LLC. This  
24 is a loan for the amount of \$2 million to Envision  
25 Plastics.

1           The, as Mr. Jones mentioned, it received  
2 consensus in the Sustainability and Market Development  
3 Committee as well as the Budget and Administration  
4 Committee.

5           The loan committee met last week, and they  
6 approved this loan with one change which is that the  
7 Board would have a first on the accounts receivable, and  
8 only would it have, defer to a second on the accounts  
9 receivable at the time that the company was able to meet  
10 their financial projections.

11           So with that, staff recommends that the Board  
12 approve option one and adopt Resolution 2003-463.

13           And staff is available if you have any  
14 questions.

15           BOARD CHAIR MOULTON-PATTERSON: Thank you.

16           BOARD MEMBER JONES: Madam Chair.

17           BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

18           BOARD MEMBER JONES: Madam Chair, I'll move  
19 adoption of Resolution 2003-463, consideration of the  
20 recycling market development revolving loan program  
21 application for Envision Plastic Industries, LLC, to  
22 include the recommendations of the loan committee per  
23 conditions.

24           BOARD MEMBER WASHINGTON: Second.

25           BOARD CHAIR MOULTON-PATTERSON: Okay. We have

1 a motion by Mr. Jones, seconded by Mr. Washington to  
2 approve resolution 2003-463.

3 Without objection, please substitute the  
4 previous roll call.

5 Are there any final public comments?

6 BOARD CHAIR MOULTON-PATTERSON: Okay. This  
7 meeting as adjourned. Thank you.

8 (Thereupon the foregoing was concluded  
9 at 2:55 p.m.)

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, DORIS M. BAILEY, a Certified Shorthand Reporter and Registered Professional Reporter, in and for the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing proceedings in shorthand writing; and thereafter caused my shorthand writing to be transcribed by computer.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand as a Certified Shorthand Reporter and Registered Professional Reporter on the 28th day of October, 2003.

Doris M. Bailey, CSR, RPR, CRR  
Certified Shorthand Reporter  
License Number 8751